1882
(L.R.)

File No. 45-82
Serial No. Nokes

Sub: Claims of Sattatsipir Dargah
of the Basaglu Mutt to
Certain Coffee Lands on
the Bababudan Hill

№347.

Mano

Petition Supt Co. 1 day
29th September 1875 from
Pierre Ulric Tiarks, Inc. Warden
of Salvation Isle.

Form an order of
Court Directing the Petition
of Superintendent dated
September 29th 1875 to appear
and show cause why Pierre
Ulric Tiarks Warden and Corporate
of the Corporate Limits of
Centreville Parish 526-9-5,
which has been Expended
or Encumbered, for a
long time past should
be Paid by the Municipal
Council of the Parish aforesaid
to wit, on the 11th day
of next the 11th October

for the use of the Burja on the Cutcherdeen hills and that the Government authorities, Bijapur & the Coffee Produce of the lands to be made over to them, and directed that the above objectionable practices should be discontinued, and that the "Manual" on customs should be followed.

5. In 1828-29, the Kittoor Raja complained that the Government Cazdar demanded Nirkan to the Queen on the Coffee produce of the Mattan lands, & the late Maharaja directed that the Coffee grown on the settlement

And a money allowance
as above, substituted for
the same.

3 At the funeral, services
of same, flowers which were
there taken place in the
Main Auditorium (38-9)
the same allowance above
referred to over the casket
and the usher of the above
were left in the
charge of the Mortician.

4. In a section of the
of the Auditorium and the
Officials of Lakewood,
Cincinnati and
Cincinnati Police,
Lieutenant, Each Pall Bearer
stated that it had been
brought to his notice that
certain duty was charged
contrary to custom in
the respect mentioned

of the Magistrate in Gale.

2. In a subsequent
Receipt of H. H. the Cabedar.
Raja, 9th February, 82,
Some after his assumption
Charge of the Administration,
it was stated that the
Mahratta Country legal to
a Composition of the Land
Revenue Paid by Ryot, the
Village of Encroachment of a
Tenure of Rupees 383-9-5
And a Cash Allowance of
Rupees 43, which had been
Enjoyed by Officers,
should be continued
without interference.
From the succession of
Narayanrao to this
Document, it is to be
inferred that the
Village had been resumed

Union College of Chemistry
such as the Laws of the
Chemical Union, or the
Provisions of the College of
Surgeons, about such
days of the week, should
not be subjected to
Military Requisition, or
the Militia Act for
Enrolled Pensioners,
but that the Office Hours
of Chemical Laws or
Professional Practitioners
should be subject to
Warrant.

6. And, It is Hereby
further Ordered, That
every Person employed of
paying said Taxes or Duties
Subject of Appeal, or any
Person aforesaid that the
Provisions including
Laws & Civil Laws, should
be appointed, and that

he should be warned
that they would not be
permitted to live under
the sanction and protection
and professed them
before Government.
The Chiefs of Tauranga
have made a treaty
likewise with Tirua
Tepeteu, respecting the
observance of the
above rules, & were
confirmed by the Media.
Copies in the Secretary's
18th August 1837.

7. As the introduction
of the Christian Religion
by the British Government,
& the same Laws &
Customs were established
by Order of the Queen
Consecration, but the
Order was done after.
Recalled and the Queen

were released from attach-
ment. And the two
released, were the masters
the Marian & Rachel who were
attached by order of the
Madras of 1832. The
Marianne, however, was
pronounced to be liable
and had been
released. The Coffee, however
was still under attachment,
and might that it had
been legally seized & detained
to answer, which suit
confessed from the fact
that the Marian had
been discharged from
custody by the forthcoming
Security. The Libel
of the Marianne was
also therefore released
& the released from attach-
ment, that he, was and
Administrator of the Estate

Form No. 21. Depositary to
Register Book of Sales, 1832,
of Property taken from the
Owners & Others.

who had been appointed
by government to inquire
the effect which would
succeed the duties by
the Marauder.

8. In 1836-37, the
practice of collecting Rents
on Coffee was discontinued,
and a duty of 1/ Coffee
per Pound was levied
by Sir Mark Cubbon.
The Marauders of Bada-
-hadden Hills complained
to the Assistant Superintendent, & States,
that the Rayar duty had
been laid on the Coffee
grown on the Hills and
that it would be impossible
from the fact levied
in September 1837. This effect
was instigated by the Chiefs for Revenue
Duty, & was suffered

[illegible]

Now Every Person who
Shall Annually Sow or
in Future, that Shall
offend in the
and make Such Return
The Said Assessors Shall
Report Annually to the
Court of Sessions, Next
And the Person Offending
Report to Pay, Such
Reported that Shall
40 or 50 Pounds Were
Shall Annually Such
Some punishable Person,
Like Sum as for Pounds,
that to the Children
Use Made as Before
Harbor or Wood Land,
which Shall Not Been
formerly Planted in
Mass, to Keep, Also Such
Known.

9. Item a Penalty for
the Planting Such
from Step, if Plant
Not to Pay, and Such

Archives Judiciaires Cour d'Appel
Greffe de la Cour d'Appel
No 32, 1922 July 1888.

The Papers Recorded with
the Within, Came to Hand by
Sir H. Cockburn, Bart and
Time to be Laid before Parliament.
(The Resolutions are Recorded
at Last of Ps) —

as of May 1838, but the
duties is not forthcoming.

10. In the year
the Major Section voted
in the Legislature, the Capital
duty of ½ pounds per
hundred but of 8 pounds
was formerly levied on
Coffee, that the duty under
and of the Bengal Act
to be exempted from
payment of the Value
of Duties per pound,
if exceeded would
operate great to
prevent effectually
because the cultivation
of Coffee as the Hill Men
respectfully on the increase
and recommended that
the duty should be lower

in the district above named,
but that, as a recompense,
a fixed money allowance
of [illegible] per annum to
the [illegible] and of
Rs [illegible] to the [illegible],
may be allowed. It
was remarked either
~~Jatoor~~ Jadoot by the then Head
Commissioner, Mr. [illegible]
that the rate of Salat
newly proceeded was a
moderate one and that
as there was no authority
to show that the lands
were held in inam, the
Salat must strictly be levied.
~~annual money allowance~~
~~recommended by the~~
~~Superintendent,~~
~~and [illegible] sanctioned.~~
In accordance with the
above view, it was
replied in Jadoot of
12th October 1858, that a
general [illegible]

of 2d October 1868

titled as a 4th Plea, to
the effect that the Debt
of Twelve Pounds should be Levied instead
of all Coffee Exported,
and that that Sum should
be Strictly Enforced
in the case of all Coffee,
whether grown on Indian
or Native Lands.

11. The Superintendent
of the Straits Division
reported on the Quantity
Exported & Imported Coffee, &c. &c.
that the Imports Exceeded
the Exports, Exported Coffee in the
Straits & Dependencies of
the Last Year Specified
and Exported the Proceeds
on Indian Account from

Vienna, that the Captain and Captain Crispert, that provided Lucia Pisacchi, S the Pasquali Count, that that the text could then be reformed in Crispert of this Crispert, that Enjoined Love the Nicetta Pisacchi the Nicetta Jean in Jaffare. It Lucia Pisacchi in the Jaffare that the Jean Conceptual to the Jaffare Nicetta Crispert on 12 October. 555, Crispert to this also. —

12. On this 12. 03 of 5th September, 85, the Acting Superintendent of the Jaffare Pisacchi. Together other Respecting Crispert Jaffare. Under the Pisacchi Crispert Jean Lucia Pisacchi, S the Jaffare Pisacchi Crispert of this Jaffare.

that been last subject
to the payment of the said
duties. In the Office Rules
No. 6 of 18th October 1852,
the Searcher in general
were allowed 5 per Office
in lieu their sent the
Master Mariners Receipt
that the Vessel cleared
shall be subject to the
duty of 4 annas per Vessel.

13. Also in August 1859,
the Superintendent of Marine
reported in his Letter dated
the 29th, that in
accordance with the Office
No 22 of 4 August 1860,
which directed that the
real extent of Office
Collection in the Province
should be ascertained
and all unauthorized

fabrication element after
the term prescribed therein,
be exiled upon the Colonies
to apply for further time
that term, but that there
were some fabrication
Bridle upon the finger
attached to Cocoon, the
Relation of which shall
to cause Cutis in the
prescribed Period form,
Fabrication may now ch
Liberty to pare all Cuts
of Cocoon upon the Cent
in Circuits, and that
the Fabrication of Cocoons per
Pound paid by them into
a Free State, and for
in Lieu of Citizen. The
Superintendent Certificate
that Title Superior unto
Relief in the Case of Sick
= Wicked Person, but as

the Secretary of the Treasury
in the Revision, examined
corrected, and on the 4th
day of September 1861, referred
to Messrs. Secretary of the Navy
of the Navy recommended
be requested instructions
as to the proper form of
Patent to be given to
Inventors. The date suggests
also drew attention to a
letter received from this
Office in which it was
stated that when the
Question related to
Coffee Cultivation in
Cuba that Hon. Secretary
determined, further instructions
would be communicated
respecting the specific
land to be given to
Davis in the Everglade
Hills.

14. It was stated in evidence that the Capt. should call on the parties at all events last, as any portion of other Cases has been settled, & produce before him the Accounts & papers which could then settle such last, that, on receipt of the documents an account could be made of the Cases actually tried under the Agreement, whether or not, and the Cases and the Money left, should be readmitted, as Cases may then be completed, & the effect, when the whole subject of the

Supplemental letter
would be taken into
consideration.

15th December 1862,
the Napa Indian Supt
submitted the census
produced, the depositions
given by Juana Ida
Kinder, and the survey
Kinder and Hines of
the lands belonging to the
Napa as the Salvadores
Rio. The receipt of these
papers was acknowledged
in the office 20 29 p.
12th July, 863, to the Supt
of the Napa Reservation.

16. A petition dated
October 10, 1862 - to Walker
the Secretary and other
documents received with
the Napa Supt's letter

Geo. 3 c. 21 sec. 36, which
appointed that there
returned to the Justices
with Endorsement of Sec.
of Sect. 36, were
received by Justice the
Plaintiff, it was ascertained
from the Clerk's
depositions received with
Writ that the Plaintiff
of Manchester, &c., that
he had received the
Endorsement and the
Endorsement. It was said,
however, that the Justices
alone were entrusted with the
Endorsement alone
respectively, the depositions
that Counsel, Counsel,
could not be traced
in the office.

17. Some correspondence
took place between the

Re Proceedings pursuant to 5 & 6 Vict. c. 38 sec. 36
No 4976 of 1846 Bridgnorth
Copies Rec'd 1847

the year 18[illegible] — 18[illegible] between
the Post Office and the Secretariat, who called
for the Envelopes, Cards &c
and correspondence
relating to the Issue of
the Stamps in the Settlements
Also. The Correspondence
was forwarded to the
Secretariat with the request that the
Envelopes &c were returned
to the Postmaster and
that the Envelopes &c were
not forthcoming in the
Office. The Papers forwarded
from the Office were
returned by the Secretariat with
the [illegible] of [illegible] 18[illegible].
It is not known what
proceedings were taken
by the Civil Department
in relation to the matter.

* Two [illegible]
have [illegible]
[illegible]
[illegible]
[illegible]

The Envelopes &c were
returned to the Secretariat
[illegible]

Leipzig 1 de Sept.

18. Mr Mendelssohn,
from the Chair, replied
to his letter read under
reference, Sept 2nd, 1
& Sept 1st. 8 P.M.) that
his proposition, to add
Kinder Szene Kinder
(Opus Kinderszenen) consisted
of 13 pieces as in the list
which are named after
him and introduced
from Schuman the edi-
tion of the Leipsic
Print; that it consisted
a large sheet of Country
from the north of Europe,
that his descendants have
for a long time held
near the Baltic Coast
in the Province and their Neighbourhood considered to be
Sept 1st, Leipsic Print

* Sinzendorf, the
Imperial
Count Ulefeldt
Danish Ambassador

and J. J. the late Mississippi.
Further, that the first
Conception of Mississippi,
Colonel Boggs, asserted
that the Coffee Farms or
Petitioned Estates should
not be subjected to
Warrant (Claims of Creditors)
and that when the Warrant
System was abolished.
And that Every substi-
tuted. Petitioned Office
was Executed from
that also. Petitioner further
Stated that it was
decided that as his lands
were sworn and formerly
Sold from Warrant, a
Coffee Patent was not
Issued, that the lands
were Measured by Mr Fenner
under the orders of Colonel
Forde, and plans were

Mississippi
appears to have
applied Mississippi to
Upper Mississippi
before September
1835.!

submitted to the Circuit
for order; but since then
no order has been passed,
but the duty is being
collected on the coffee,
and pray that the Collector
may be enjoined from
[illegible] of that duty,
and the bonds of the
importer may be
released.

Respectfully — It appears that petitioners have actually been paying coffee in the same belief of Secretaries above referred to, but also in the belief of Attorneys whose he, recedes, and on the bonds attached

to the Market.

20. The question of exemption from office Hours claimed by the Petitioner may be considered

(1) in relation to the Municipal Market Limits

(2) in relation to other lands (Quarry Yard &c) on which he has planted Coffee.

21. In the case of Market Limits, it is not of any use to refer to the Lawyer finding the Market, as it was not the practice to enter in them the sites of Coffee,

the time of sheriff's sale not to exceed thirty days preceding same. With reference to Attala & Leake each contains, there is no record left respecting the disposition of fines & forfeitures which have been collected. And the Supervisors might & have ordered the Collection, which would be the only record of the same.

22 The records under Coffee is devised from the Collector's duty called Poll imposed on the County Collector. A similar duty is imposed on Chickasaw, Perhaps

In Grand County of Jefferson on Intent of Recognizance Bonds are not in Habeas Corpus Book but Minute Book.

and Surveyor, to the
Case of one or two of which
a Deputy shall appointed
in also Land. That
in the Interpretation, & for
the purpose of the
duty on Coffee is increased,
or if the Coffee in Store
the Owner or Certificate
Those in any Case Exceptions
herein, by the Comptroller
Land, to cause the duty
in Land and given
to the Owner, but when
the Case, the duty shall
on the Coffee secure on
other such Lands belonging
to the Comptroller Land,
in Pursuance of Agreement.

3. The Claim of the

petitioner to exemption
from the draft duty
is based on the ground
that the draft law is
unconstitutional for the
reason that it is
which he was formerly
exempted. Affiant is
personally from ~~the~~
knowledge and belief
which did not have
any hearing, and that
was for the purpose
and for the encouragement
of enlistment
that the draft duty
which was proceeded
has considered the
unconstitutional for the
purpose.

Title Insurance Office
Patent Exemption.

The meeting of the United
which says that the duty
Warranties of the Warrant
must be construed
to mean that those
who paid the Valet
would not be subjected
to Warrant & Co, and
not that because the
Warrant ~~was~~ had
formerly been Executed
in the case of some
individuals, ~~the duty~~
they should be exempted
from the duty ~~which~~
the duty therefore of
the Warrant was for
the present Valet duty
is, however, more
comprehensive, and

the Town of Ingleside
itself have a provision
that the Act shall
"not extend, construe or
"be for ment of
"Magistrates within
"the Town aforesaid."

24 The Police Act
of 5th Victoria, 1841,
Repealed in part by
Statute, until next
Commencement in Lieu
No. 1 of 5 Victoria 1841
to the Magistrates,
Town, in Petty Sessions,
Assembled and the
Petty Court Established
Merely as an Epitome
to the Town as all
Cases, whether from

(Vide Page 12 above)

to Crown or Secular lands.

Be it therefore Ordered Decreed
Ordained Enacted the Abolition
of the 11 Section 4 & 5 Wm
IV 1837, and Repeal the
Section or Clause or Sections
of the Ordinance or Ordinances
in force prepared to the
Collection of the Duty.

25. Duty thereafter
to be paid on Coffee Imported
that the Ordinance is
not specified in the
Exemptions Claimed
by Spain.

Ed. Thomas Legge
13 Sept 1837

Ordered by Her
Majesty's Privy Council that
Coffee produced in the
Island of Ceylon and
Exported therefrom to
Great Britain or Ireland
shall be admitted into
Great Britain or Ireland
at the Rates of Duty
Payable on Coffee
produced in any Foreign
Country, the Importation
of which Coffee is
Regulated by Law
in the Manner
Directed by Law
in Respect of Coffee
produced in the
Dominions of His
Majesty in the East
Indies -

And Whereas it
is Expedient that
the Duties of Customs
now Payable on
Coffee Imported
into Great Britain
and Ireland should
be Reduced by
the Imposition of
Lower Duties
than are now
Payable thereon
by Law -

Note

Letter from the Supdt of Revenue
dated 5th July 1889 No 190—

In the Revenue Proceedings
28th April 1884 ~~dated~~ No 780—
it was decided that the Inam
of Kesagani Matt & of
Dattatreyapitha Balabadra
Durga should be confirmed
on 1/4th assessment fixed by
the Survey Dept, subject
to the condition that the Inamdar
should not levy from the
occupants more than
the Survey assessment.—
In carrying out effect
to above order, the following
questions are raised for
decision.—

1st— Whether the Circle
claims as Inam there
is a large extent of Land
lying unoccupied— For

Inamee, the Dargah
Inam consists of

1217 acres of land
under occupation

929 acres of waste

4805 acres of uncultivable
or Kharab

6951 Total.

Hence the whole of these be
treated as Inam, or
the land actually under
occupation, or fit for
cultivation?.

The answer to this
question depends upon the
title admitted in the
Deccan Por Inam above.—
From the Sanad, I gather
that the Inamdars are
presumed to prove their
title to the whole area claimed
as Inam, & that the Deccan
recognizes the title of the
Inamdars with reference to
the ~~day~~ past enjoyment
of the Inam.— If so, the
land not under occupation
can only be treated as Inam.
The Deccan also originally
Measured of the Case
in hand to the

settle this point.—

2d If the waste of Kharab is to be treated as Inam, is any fuel cess to be charged on Kharab waste?

The Supdt of Revenue Survey suggests that the fuel assessment be 1/4th of the fuel assessment of the occupied area, plus 1/4th of the fuel cess of 25 per cent of cultivable waste, & a similar grazing valuation of the Kharab Lands.— He also states that some limit should be placed upon the appropriation of the cultivable & Kharab lands for Coffee cultivation.—

I think that the fuel cess should be 1/4th of the assessment valuation of the Inam, the valuation being made upon the fuel cess of the occupied area, 25 per cent of cultivable waste, & the present value of Kharab lands.— Whether after the fuel cess is fixed, there should be any restriction whatever in regard to cultivation of the

Not The Mysore rates for the fuel rates.

Ryots should be at
liberty to get as much
land cultivated as
possible, & levy the
assessment thereon — I
suppose that such is the
principle on which waste
& Khant lands in Ryot
Villages are settled, & I
do not see why any restriction
should be placed in this
Case.

3d. How is the Land rent
to be collected? On actual
Collections made by the Ryots
or on the valuation now
adopted?

I certainly think that
the whole Land rent charged
on the valuation now made
should be collected every
year without reference to
the amount of assessment
realized by the Ryots annually.
Such rents charged on Ryots
should be permanent charges
& ought not to vary with
Cultivation.

4th. Is local cess to
be levied on the aggregate
assessment or actual collections.

In Madras, local
cesses are charged on
the actual rental
of ~~holdings~~ by the holders
of Inam Villages, on whether
the whole amount of rent
is collected or not, in the
first in the same way
as it is charged on the
assessment of Ryotwari holdings
whether the whole assessment
is collected or not. — As
the Nature of Inam emprises,
the amount of local
cesses increases. — I
think that the same should
be the Rule in that case
unless a different system
is observed in the case of
Inam Villages, in which
case, the same system
as that applicable for
Inam Villages may be
adopted in that case also.

5th May

Should the Numbers
noted in the Margin be
classed in the Survey as
Coffee Lands be included
in Village site as required
by the Inspr?

H. Supd of Rev Surv.

1 to 5
7 to 13
& part of 24,
area
10 acres —

says that this may be done. I do not know, Rivers on what grounds they are required to be treated as village sites. If they are actually occupied by houses, or composed of houses they may be treated as village sites, but not Mounds & Hills.

VI The Surveyors state that no assessment should be fixed on certain Survey Numbers (328 acres) as they are unfit for coffee cultivation. Can this be done?

The Survey Supdt. states that this may be done.—

I suppose that the lands are uncultivated & unoccupied. If they are fit for any cultivation, one fourth of their assessment should be included in the valuation on which 1/4 is charged. If unfit for cultivation, they should be classed as Kharab & their Grazing value will enter in the valuation.

A C

23/11/09

[redacted] upon the information now
before us, it is not possible to arrive
at definite conclusions on the questions
submitted by the Dept. Commr.

Upon information now submitted
it is only possible to lay down
a few general principles for
the Settlement of the Inams
(Dattatri & Bisagni) in question —

1st There shd. be confirmed to the Inamdar
Villages such of the occupied lands as are now
in their enjoyment, together with such waste lands
(whether arable or unarable) as would make
a Compact & Convenient block — In deciding
what waste lands should go to
form these Inam Villages, (General) topographical
features, & also the reasonable require-
ments of the Durga, the wants of the Communities
Concerned, and of the Cultivators of
occupied lands shd. all be fully considered.
That a bit of land which the Durga for instance
has not used no claim was virtually
included measured into the Dattatray a petta
Village, is no reason why the same
or a portion of it shd. not now
be excluded from it & added to the

Read Mr note
to the Dewan
for orders.—

Dattatreya Ganesh Deshpande
Mutt Inamdar —

Vs

The Commissioner

(32)

Rev. No. 710-11 & 25 A/M/84

Order Admitting the
Equitable nature of
the origin & extent
of the Inam Claimed
Conceded as an act
of Grace on the Ground
of the Sanctity & Antiquity of the Institution
the Inams in Question
on 1/4 Quit rent — on
Mr. Ephraim Shadrach's
Acceptance of Interest &
the Agent remarked
that final orders after

full consideration had already been passed that the petition addressed no grounds for any modification of these orders - Ro. no. 4173-4 & 16th Aug. 1890 [redacted] Any that such deserving lands as there in the enjoyment of the Institutions together with such waste lands as would form Compact Convenient blocks may be confirmed as whole Inam villages to the extent of the

3 waste lands to depend
on general topographical
features & the reasonable
requirements of the
Institutions — The lands
that had wrongly been
measured into Datta —
trapheeta were ordered
to be taken back — The
Survey Supdt. accordingly
got Nos. 299 & 303 into
the Govt. Khas Mal —
Bulwatta & Nos. 292 & 298
into the Govt. Portion
of Kolgan — The remaining
numbers in Dattatrapeet II
& the Bisagni mutt
numbers in Kolgan II
were formed into a new

village "mahal" This
would give the Dunga
about 4587 acres & the
mutt about 1836 acres
Rs 20 no.
thought - this a great
deal too much —
much more than the
Institutions could in
all reason require —
on this the Survey Supt
proposed in the case of
the Dunga the exclusion
of 1064 acres unarable
waste, 324 acres un
occupied waste & 6
acres occupied — in
all about 1826 acres
as regards the mutt
he considered [illegible]
desirable any further

reduction of the already
considerably reduced
extent. Mr. Thomas
Khadry's petition
of 24th May 1870 says that
the lands in the enjoy-
ment of the Durga
were during the
times divided into
two parts with two
separate maps &
alleges that the Pro-
prietors gave him
Dattatraya's part with
parts & restricted the
Watti's Inams & some
lands in Kolgaon & &

more than this - The
lands in the actual
possession of the Institu-
tions seem to be in
the case of the Omaha
631 acres & in the case
of the Santee 601 acres -
The Govt - actually went
out of their way to benefit
the Institutions & assigned
as Farm lands which
could never be proved
& have belonged to them -
& that the Indians should
now come forward
with any matter of right
sort of Claim based

held them quite in-
dependently of the
mokhas. - The Mahal
lands have undisput-
tably belonged to the
mutt & the Durga's
claim cannot be
admitted - The Ro-
of 28th Apr: 1884 issued
on the Survey Supdt's
no. 11 & 7th Apr. 1884
which fixes the measure-
ments of Dattatreya
peeta as 2 Bighas
& of Kalyani & Hoysalla
as 12 85 acres but now
the Survey Supdt's
latest proposal gives
them a great deal

that the lands held
by Mrs. Doris Hamilt
belong to Mr Dunga
as they belonged
originally to Makandar
Mohideen ali Tha
Khadry -

Nos. 292 & 295 - Now
in Mr Doris's enjoy-
ment (having come to
him by Civil Court
decrees) but claimed
by Mrs. Jane Tha Khadry
have been clearly
proved never to have
at any time belonged
to the Madam - Mohi
deen ali Tha Khadry

~~[illegible]~~ on
the matter of grace
orders looks indeed
very unreasonable —
$240 - to Peter & the
Dunga & 1886 - 24 acres
& the matt should
be more than Sufficient
cient & meet all their
requirements & enable
them to maintain
their breakfast —

(33)

No 1059
dated 4th August 1890
Delivered hour 1890

Petitioner

Syed Gowsaheb
Khadari
Priest of
Dattatreya
Baban
Darga

Petitioner's complaint is, that a large portion of the Inam land belonging to Datta Atreya Babagudan Darga has been improperly mortgaged to the Basavaguemath.

The facts of the Case are briefly as follows.—

In their P.P. dated 28th April 1884, Nos 710-11 the Govt decided that the Inam lands under the enjoyment

to be confirmed
are as shewn
below ——

Dattabreya — Mahal

	as recommended in July 1890 — acs.	Rs	as now recommended — acs.	Rs	as deemed ending 1890 —	as per lease
Underoccupation	890	1331	882 . 7319		662 . 989	662-989
Arable waste	853	1281	529	794	194	292	194-292
Khasra	2844	46	1829	30	980	17	980-17
Total	4587	2658	3240	2143	1836	1298	1836 1298

Hearing 30 Sept 1891

Give notice to the Pujaries of the Darga & the Bivagni Math

Lee
4/8/91

Note of the Puntro Mallayas thanks that the hearing or hearings, we may dispose of the Reference — but I think we had better fix the hearing before finally disposing of the petitions Lee
4/8/91

Supdt of Revenue
Survey proceeding &
demarcates the
lands & reported
to Govt thereon in
his letter dated
15 July 1890 the
areas he proposed
to treat as Inams
He designated the
lands enjoyed by
the Math as Inamat
& those enjoyed by
the Darga as Datta
Inam. The areas
he proposed to be
resumed however being affluent
excessive, he was
called upon to
revise his recommendations
in consultation with
the Dy Comr. This
he has done in
his letter dated 4th Inst -

A-Old-Proc 90 pa 495

The orders have yet
been passed thereon.
The areas proposed

of Dallaleya Daya
& Deoagni Math
shall be confirmed
to them on 4th asst
assessts — On
representation being
made that there
was nothing to
determine the
boundaries of the
two Inams, the Govt
in their Proc dated
15th August 1889 decided
that the Courts actually
in the occupation
of the Daseha & Math
respectively also so
much of the unoccupied
waste, arable or
Kharab, as would
meet the reasonable
requirement of the Durg
& make the Inams
convenient & compact
blocks should be
~~treated thus~~
demarcated & treated
as separate Inam
villages — The

Jackson

Query, where a breach shall
appear so as to give right
to the case reserved
for Judgment?

[illegible] they may not be injured
of separated.

I do appeal as a friend
to you as a person who
[illegible] general welfare
is depended & to study. I appeal
to your reason, to your knowledge as
a physician. Being that the climate
of Mexico is not healthy that
he may be given active medical

He must stay with [illegible]
any doctor & the Lieutenant
employed by the army retained
in the hotel. The letters you
found in the [illegible] 385-386
[illegible] you medical visit
[illegible] examination [illegible]

2nd Question - I desire the Secretary
[illegible] Legislature may direct
& the Lieutenant Governor
[illegible] Governor in the state
[illegible] on our next meeting
& be elected in the
Supreme Council & the
Assembly?

1st

Capitol U.S. [illegible] 93.

Perhaps a Grand Master
may [illegible]
[illegible] can [illegible]
[illegible] the [illegible]

Roman Advocates:

Appellant

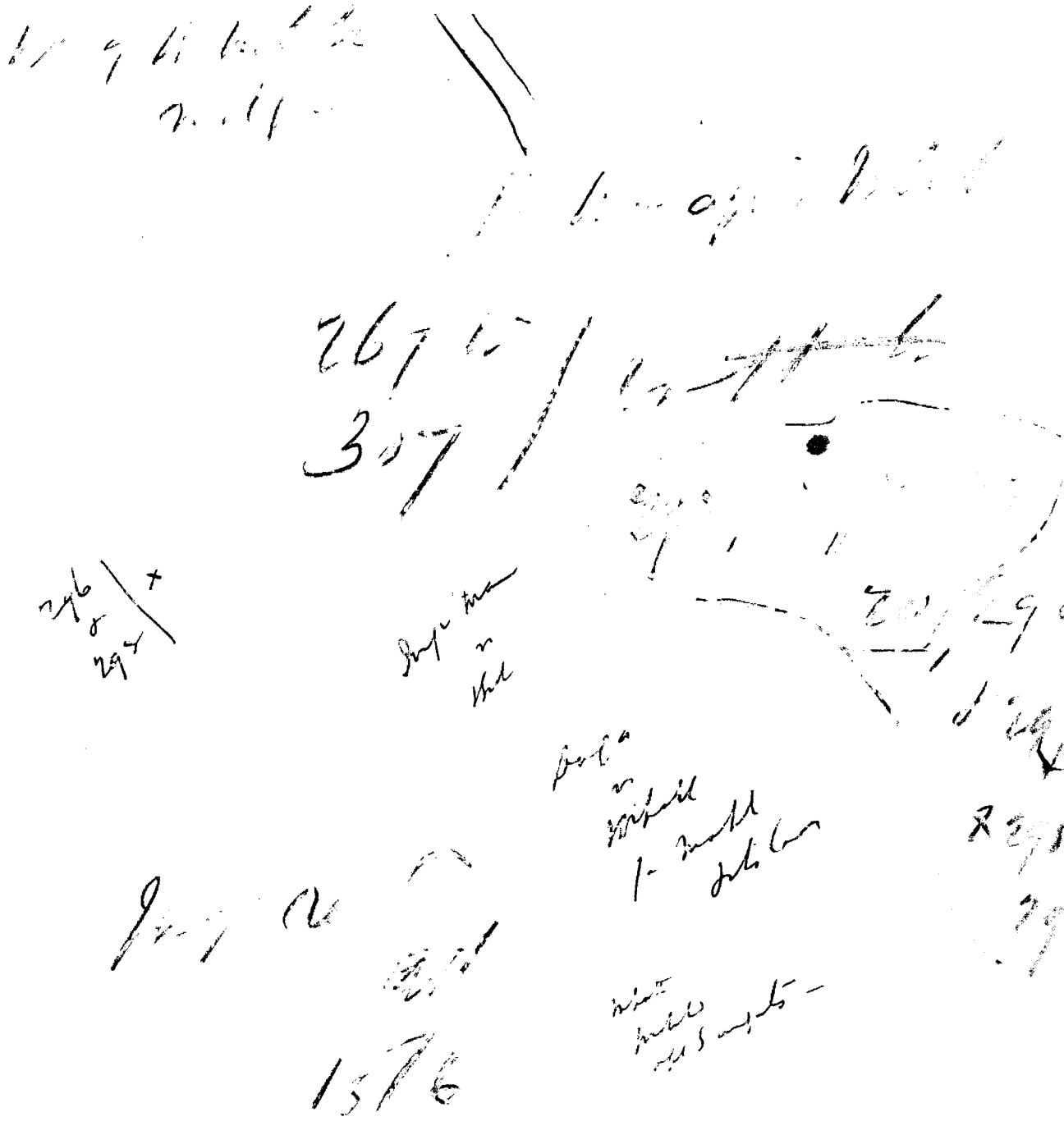
Respondent

by Mr. B. Francis Dwyer
Advocate.

by Mr. L. Francis Dwyer
Advocate

Notes Issued.

15-6-93.



M 105 of 1890-91

Appl
Dyrd Govs that
Kadura
Priest of
Dallatreya
Dargah

In letter No dated 28 April 1884
No 740-11 the Govt decided that the
Inam lands under the enjoyment of
the Dallatreya Dargah, & the Basagni
Math should be confirmed to them
on 1/4" assl. — On ~~reference being~~
~~made that there was nothing to determine~~
~~the boundaries~~ the question being raised whether
only the lands under cultivation should be
confirmed, or also waste lands, the Govt
in their No dated 15 Aug 1889 decided
that the lands actually under occupation,
plus so much of the unoccupied waste
— arable or kharab — as would meet the

Veerajee Math,

1 The disposal of the Dallahaya Lands having been left in the Survey Debt, the Inspector of Revenue Survey, formed the Lands held by the Dallahaya Mutt into a separate Pattah, & those of the Veerajee Math into separate Pattahs & requested the orders of Govt in regard to the terms of settlement. The areas measured were

Lands held by the Dallahayans	acres 2873.17
Do Veerajee Math	1284.39

Reasonable requests
of the Sure & make
the Swamp convenient
& compact blocks should
be demarcated as
separate Swamp villages -
~~The Dept of Revenue should~~
~~Press for the needs of~~
~~the above mentioned, the~~

The Government observe
that [illegible] the
[illegible] of [illegible]

1 the Lieutenant
169, 178, 184, 185 & C
259 — the Chiefs
of Khandesh

168 & 176 — Khandesh
Bhandelkar
Bhakadi
177 Burhan Bhakadi
173 — Meera Patlai
172 — Dodda Shankaran
(Cot)
174 — Kasim Shikari
Mab Kha
(Cot)
170, 171 Dattaya Chitnis
175, 179,
292-296 — B. Bhatto
294 } — Khanda
298 }
299, 301, 302 & 303 } Khanda
300. Wadi Chief

292-298 — Northern
Khandesh Districts

Khandesh Collectorate No
1173, Dated 28-9-84.

299, 300, 301, 302 & 303
Chiefs mentioned in
Political Diary

292, 3, 4, 5, 6, 295 }
Le Chiefs of the
Surrounding Hilly
Country —

Rest of the Nerbudda
Jut Nagpur &c. & the Berar
Nimar Durra Nimar country
Kalapani Pt II — [illegible]
Mahadeo [illegible]

Not [illegible] of Chiefs
[illegible] Collectorate
[illegible] Bombay
[illegible]

[illegible] 168 [illegible] 173
[illegible] 252 [illegible] 263 [illegible] 100 95: 39 523 16
[illegible] 172 [illegible] 170, 171 [illegible] 321

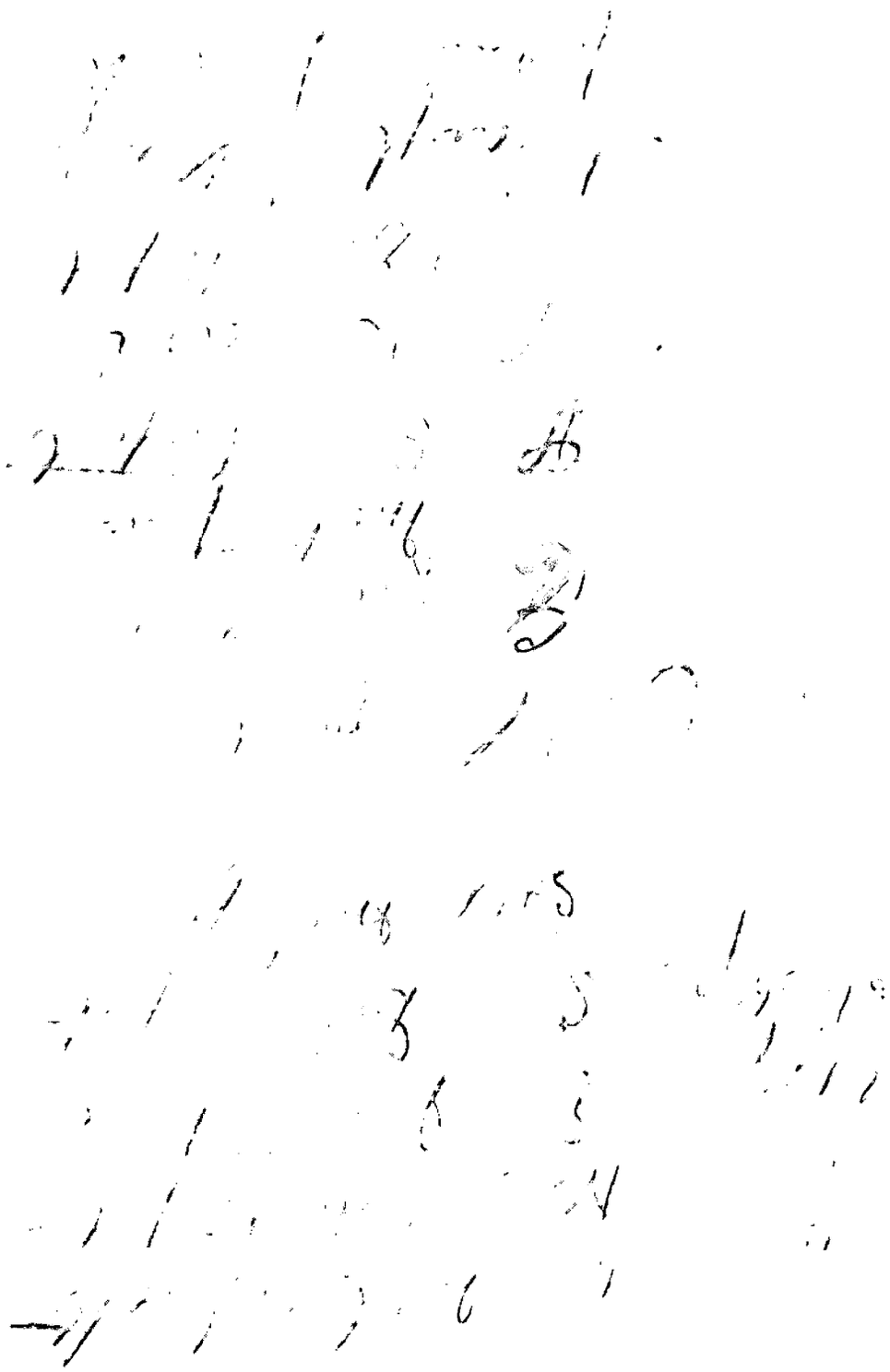
N. Kolyma
E. Nagaevo Bay
Arakamchechen Island
S Bering Sea
Anadyr Bay
W Anadyr'
Pevek
Kolyma
Malaya

Nagaevo Bay
between
Arakamchechen Island
and Kolyma

N. Komsomol'skaya
E. Sovetskaya Gavan'
S & W Kolyma

Komsomol'skaya
N Amur
E Sovetskaya Gavan'
S Tatar Strait
W Pacific Ocean

Kolyma
N Kolyma
E Malaya
Baranikha
S Baranikha
W Anadyr'



Initial [illegible] Nos claimed) [illegible] Nos are:—
168, 169, 170, 171, 174, 173, 174, 175, 176, 177,
178, 179, 180, 181, 184 (Land measuring 185,
107 acres 14 g)
259 (Land measuring 153 a. 13 g)

Settlement made by Col. Campbell on 27/4/88

168, 176 } no title shown - Deposit "of Title Documents"

181. Auth. & description of [illegible] as Kh No 15 = dis. under condition

177. Certificate of Khandesh Documents - Auth. & description

172 Collector Distg. Nasik Transmits - Abstract, bonds, Application & Petition for Khalsa

174 Collector Khandesh Com. Nasik Div. - Notified with Khandesh Survey List

170 Collr. Sholapur Returns Khalsa title deeds signed

171, 175, 177, 180 } & A— Khalsa title deed dated 3rd May 1888

168, 169, 178, 184, 185, 259 } Khandesh No 2

[illegible] from Collr. & Dy. Com.

Report Settlement Lots Plans etc Inc...

No 177 178-179, 171, 172 to 176

Drawings No 252 to 369 inclusive

Petition No. 115 of 1893.

Applicant
Syed Ghulam Shah Hussain
Vakil Parbhanir
Sajjada, Sahabzadah
Darga

Caveator Respt
Ganesh Ramchandra
Phatak
Vakil Govt

Facts of the case :—

In their order No. 710-I dated 23rd April 1894, the Government decided, with reference to the claims advanced by the Dattatreyet Darga and Bisgani Trust to certain lands, that though there was nothing to show how or when the Inams came into existence and what their Bijwari was, and it was clear that a great part of what was claimed by the Pushkarni was Sirkar land encroached upon from time to time, yet as a special act of concession, the two institutions should be dealt with in a spirit of liberality in view to maintain their prestige and provide them with sufficient funds for the due performance of their

I have not heard the case. The must go to 22 Norman

We last heard the Case in June 1893 when I was not well. I do not remember the grounds raised. I would like to re-hear the case of my colleague has no objection —

19/12/93

Posted to 18th January 1894 24/12

religious and
charitable duties devolving
upon them. Instructions
were accordingly issued for
the settlement of the Inams on ½ assessment
and submission of detailed
statements showing the extent
and assessment fixed.

2. In September 1887 the
Managers of the Durga, the
present appellants, prayed
that the Inam to the Durga
might be confirmed free
of assessment, that the Bisagni
Mutt be not allowed an
independent status and
that lands added to Kolgavi
be rejoined to Dattabijut.
He was informed by Endorse-
ment dated 13th December
1887 that the orders already

passed could not be modified.

3. In the course of the settlement, the Deputy Commissioners had to enquire into a dispute between the Dargah and Mr Pinto regarding certain lands (Survey Nos 292 293, 294 & 295) of the Enamsinguardi Estate, and the claims urged by both the Dargah and the Trust in respect of ~~certain~~ the Gaokal lands. Colonel Campbell in ~~his~~ ~~Memorandum~~ dated 31st December 1838 considered the proofs adduced on both sides and decided that the 4 Survey Nos referred to were not part of the Dargah Enam but had been held independently of the Dargah

by one Moinudeen alli and
after him by Mr Smith and
that, as regards the village
of Kadal, and the adjoining
coffee lands, no evidence of
actual enjoyment of them
by the Dargah had been adduced,
while the Kazi had produced
evidence of enjoyment by
it since 1860.

4. The present appeal is
against the said order of the
Deputy Commissioner. The
Manager of the Dargah urges
that all the lands shown in
the two villages mapped by
the Survey Department as
Dattatreyapet No I and Dattatre-
yapet No II belong to the Dargah,
that this fact was accepted
by the Government in their

their order No. 10-11/7 dated 28th April 1934, that the village of Irukad and its lands having been included by the Survey Department in Settlement No. II, the Mutt has no right to them, that under the said order of Government, the Mutt was given only some lands in Kalgani and that the Deputy Commissioner was not competent to investigate the claims of the Mutt and of Mr. Brito.

9. The map Settlement No. IV did not represent any existing village of that name* It was prepared by the Survey department, as explained by the Survey Superintendent, to facilitate the settlement of the Darja Coffee Grains, and the

* but comprised lands which pertained to the village of Bel-Gurkatte (vide Mr. Jacobs's letter dated 20th Dec. 1933)

Mutt from the beginning protested against the formation of a new village under that name so as to comprise it lands. The Survey Superintendent states that the formation of the new village does not in the remotest degree affect the Jemadar claim for settlement and that the Maps can be altered to suit any settlement of the dispute which may be come to. (Letter No 63, 2 Dec 1887, referred to in para 4 of the Dy Commr's order)

6. The action taken in the interval between the disposal of the disputes by Col. Campbell and the presentation of the appeal by the Banga mutt has been referred to here. Proceeding to settle the Inams upon the basis of Colonel Campbell's decision, the Survey Superintendent By 27 Aug 1888

"Letter No. 50 dated 5th Dec. 1934.

solicited instructions in regard to the treatment of the very large area of Ain Kharab and unoccupied assessed lands, amounting to 4,305 and 92 acres respectively which had been mapped into Battalion No I and Battalion No II. The Survey Superintendent observed:- "These Ain Kharab lands have been mapped into the villages, but this, in fact, gives no right whatever. I am not aware of any thing that the Durga could urge in support of the claim to these uncultivable lands beyond the fact that there have been no opposing interests to limit the boundaries as shown on the 4 inch/mile Village Map. The Government ordered that such occupied lands as

as were in the enjoyment
of the 2 institutions together
with such waste lands, whether
arable or unarable as would
make compact and convenient
blocks, should be granted
to them as whole Inam
villages and stated that
in deciding what waste lands
should go to form these Inam
villages, general topographical
features, the reasonable
requirements of the Darga
of the Jamatt and of the com-
munities concerned and
the cultivation of occupied
lands should all be fully
considered. The Government
further pointed out that
the fact that a list of land
to which the Darga for
instance had no claim,
had been originally

originally measured into Deltabriyat village, was no reason why the same or a portion of it should not be excluded from it and added to the neighbouring villages, restricting the grant to the reasonable requirements of the Dargah and Mutt.

Letter No. 1004 S
25 Sept 1900.

The Deputy Commissioner accordingly submitted a statement to the Survey Superintendent showing the lands proposed to be confirmed to the 2 institutions and in doing so stated as follows:—

"It has been held that the Inamdars have not the least legal right to the extensive lands in question which include almost the whole of the upper inner slopes and crests of the Pedalimtan hills on their Eastern and Southern

aspects. The alleged enjoyment by the Inundars of these arid and unproductive lands has been entirely nominal and they have derived from them but little benefit of a substantial kind. I do not see why Government should direct itself of its rights for ever, over an unnecessarily extensive area of country merely for the purpose of adding to the importance and dignity of the institutions which will remain liberally endowed, even after the deductions suggested by me, in the accompanying statement, have been effected."

The Survey Superintendent in submitting the ~~statement~~ statement to Government states that on the whole

* letter No 495 dated 16th October 1890

Vol

The report is recorded
in accordance with the terms
of Sup^r Court Order 16.1-9.1
as modified by Mr. Justice Barker
dated 21st with terms dated 10th
Dec 10 3 dated 21st Jany 1893.

It may however be noted that
in marking the eliminated portion
in Map No 1, some few small areas
which are not covered by the
numbers mentioned in para 2
of the said letter dated 3rd Feb

have also been placed out of the boundary line. This does not affect the patent, but the inaccuracy of the work may be noticed.

W. Mc

both institutions have been treated with liberality as was the desire of Government.

7. The lands proposed to be confirmed to these institutions according to the above statement are as follows:—

	Occupied coffee lands		Unoccupied coffee lands		Chir Reserve		Total
	A — R — P	Assessment R — A	A — R — P	Assessment R — A	A — R — P	Valuation	A — R — P
The Durga or Dattatreipet —	881 — 31	1312 — 4	82 — 1	19 — 6	1820 — 31	30	3231 — 23
The Matt or Mahal	661 — 32	935 — 12	191 — 18	39 — 12	980 — 24	17 — 8	1856 — 34

8. Dattatreipet No 1 has been modified as above by the elimination of lands measuring 1355 — 38 and constituted a separate Joti village by itself. Dattatreipet No 2 has been broken up, its numbers thereof being added to adjoining Government villages and the rents as well as Bicagni Mutt Inams in Kolgani Part — II formed into a village

called Indrab. It is hereby
that the existing rights of any
of both institutions over the
Galdiere Lands Leg 193 and
other lands herein shall not
be interfered with by this
Charge.

The Application of Siam
as Trustees of the Stamp
of the Lands formerly
the Property of the late
Lord Campbell, the Stamp
Duties Management Act
Estates Duty Act
of the Lands which are
in the Jurisdiction of the
Supreme Court of New
South Wales

Order

and they direct that the Lands and
as soon hereafter as the Stamp Duties
with the Permission of the Registrar of

Gen Ro——

The file of papers
connected with the
claim of the
Dallatezza Temple,
is hereby forwarded
to the Supt of Revenue
Survey with a request
that he will be so
good as to prepare
& provide a Map
showing the area &
position of the lands
of the Dallatezza & Mahal villages
as originally surveyed
in 1884, & as
subsequently finally modified
briefly explaining
the grounds upon which

lands originally
included in the
Dallatoya village
were subsequently
excluded from it.

Q.— It must also
be explained ~~by whom~~ whether
the lands excluded
from the Dallatoya village
subsequent to 1884 are
~~now~~ now unoccupied,
or occupied & if ~~so~~ occupied
by whom, from what time
& on what tenure.—

Note. The Dewan
has asked me not
to dispose of the case,
but send over the papers
to him, but I do not
think he will be able to
settle the matter without
some such map as that
I have now called for.

I [illegible]
[illegible] [illegible]
[illegible] [illegible]
[illegible]
[illegible]
[

Rec'd 5/8/96

Rec'd in Office
5/8/96

Office note

Petition No. 1059
1890-91

Petitioner: Syed Ghaus
Shah Khadri
Khan Bahadur

In 1884 the Govt.
was passed the following
order:

"As regards both the
Sattaleya pitha and the
Dargah Inams there is
nothing to show how or
when they came into exis-
tence, nor is there any
reference to them in the
Jain account nor any rec-
ords of their hijatdari
or assessment. . . . .
Under such circumstances
the proper course would be
to resume them Outright,
but having regard to the
importance and the an-
tiquity of the institutions
by which they are now en-
joyed and the length of
time over which such en-
joyment has extended, His
Highness' Govt decide not
to apply the ordinary rules
to them, but to deal with
them in a spirit of reason-
able liberality by confirm-
ing to them the Inams in

The persons entitled
to the disposal of
the Mokhta
Khadi to Sd Ghaus
&
6/8/96.

I have read the
whole file.
The nature of the
Inams of this Inam
settlement have
been settled finally
by Mr Deveran.
Two Inams are to
be confirmed on
whole Inam villages
in 1/4 quantum.
The Inams confirmed
to be permanently
alienated subject
tenure - & the inferior
holders to be confirmed
in such settlement.

question on an Equitable
Settlement subject however
to the establishment of proper
guarantees for the protection
of the rights of inferior
holders. . . . . .
subject to these conditions
and to the payment of an
annual quit rent of £ 5
the Survey valuation, the
Inams will be confirmed to
the Mirasi and the Darya. . . .
. . . . . .
The Deputy Commr will
proceed to introduce the
Settlement as soon as practi-
cable. . . . . .
The Deputy Commr is further
authorized to retain the
lands in question under
his management for two
or three years in order to
secure the complete intro-
duction of the Settlement
and the final adjustment
of the various petty disputes
between the Superior and
inferior holders."

The petitioner having
prayed for reconsideration
of the above order, the Govern
passed the following order:-

"Shaw the Khadri had
a long discussion with me
with reference to his prayer
for remission of quit rent
referred to in Proposition

7

Mr Shaw's Petition
Settlement of the
Dg Ghurdan Inam
Land Revenue
Fees settled
Appeal to lie
subject to the question
of the Inam

Mr Shaw's petition made
the recommendations
with which I am in general
agreement. Mr Shaw
Deputy Collector (Acting Dy Collr
& Sessions Judge) reduced
unexpected result
& unintelligible
Matters not been
finally settled
and I am of opinion that
if the first question
which has to be
decided.
The remaining

8th Sept 1884
The order to record
a memo prepa
1877
Petition filed
Appeal
Petition Dis

has been added on to Marshal villages Meruse no trial decree in that the Marshal (the Mall) owns where acquiesced in, the settlement.

The Undersigned refers to what has been adjudged in favour of Mr Brito.

I do not know whether all the Umtyns referred to in the petition were heard before the Council. If so as their Members will have to the Government to [illegible] dated 28th April 1884. - kept clearly explained to him

1st that he only right to Magistrate as Sarcanny.

2nd Land in question was outside that village, was Govt land in unauthorized occupation, that his claim to regard the land as Inam had long since been finally rejected, that the Confirmation of the land to him as Jodi Inam was purely an act of grace on the part of H.M.'s Government and that he was only trying in not appreciating only this act of great liberality".

The Collector moreover ordered that in case the Makandar made any further representation in the matter he might be given an Intimation in terms of the above order dated 11th August 884.

On another occasion the petitioner prayed for

× vide Mr M. Macleans Revn note on the memo (No 2)

The case posted for hearing

2.9.96 Mitch.

× vide Petn No 2798 of 8th Sept 1884

reconsideration of Govt
nce no 210 dated 28th
#7
April 1884 already referred
to. On that petition the
Dewan passed the follow
ing order:-

"Final orders after full
consideration have already
been passed in the case on
a recent occasion and after
hearing all that Mr Ghose
& Khadir had to say I
explained how it was not
possible to pass any order
other than those already passed.
The petition adduces no grounds
for any modification of orders
already passed."

In accordance with the
Govt order dated 28th April
1884, the Resident Commr
proceeded with the settlement
of the Indian lands and then
referred the record to the
Superintendent of Survey-
The Supdt of Survey there
upon submitted to Govt
the papers received
from the Resident Commissio
ner. On perusal of these
papers

8th Dec 1887

The petition prayed for the
inclusion of the Bagru Mali
lands in Kolpur in the Dattatreya
& the recognition of the Mahajt
Inam as a minor one under
the Bruja & Surpanee Hukm
of quit-rent.

July 1889

No 1173-4/49 of 4th Aug. 1879

the Govt passed the following order:-

× ×

"There should be confirmed to these (Dattatreyapur and Bisaynimatti) such quantities as whole inam villages, such occupied lands as are now in their enjoyment together with such waste lands (whether arable or unarable) as would make compact and convenient blocks. In deciding what waste lands should go to form these inam villages, physical topographical features, the reasonable requirements of the Darga, of the mutt and of the communities concerned and of the cultivators of occupied lands should all be fully considered. That a lot of land to which the Darga or Mutt had really no claim when originally measured into the Dattatreyapur villages is no reason why the same or a portion of it should not now be included from

if and added to other neighbouring Govt villages.

"The Daya and the Mutt should have separate whole villages containing all that Govt now gives them and these villages should pay 1/4 of survey valuation fixed in accordance with Rules in force for the valuation of jodi villages".

"The distribution should be treated with liberality.

"All rules applicable to whole Inam villages will be applied to the Inams in question.

"The Supt of Inam & Survey Settlement will be requested to report with maps the final settlement he would recommend". × ×"

In July 1890 the Supt of Survey reported on the proposed settlement of the Dattatrijis and Bisa-pri mutt Inam lands, as follows:-

"In communication with the Deputy Commissioner to which jurisdiction originally measured into Dattatrijis

× No 225 of 15th July 1890

[illegible]

village, we now consider the Darga had no claim has been included and added to the neighbouring 2 nos village as follows

1 Mechinabatti Survey nos 290 to 301 both inclusive
2 Kolgavi Survey nos 292 to 298 both inclusive.

[For particulars of extent &c of the Inam vide table below]

	Datta Pt I		Datta Pt II called also Mahal		Total		Assessment levied for purposes of cultivation
	Acres	Guntas	Acres	Guntas	Acres	Guntas	
Occupied area							
As found after Survey & classification vide Survey Supts letter no 190 dated 5-7-89	891·6	1352·8	326·32	488·12	2178	1872·4	
As subsequently confirmed by the Supt of Survey vide his letter no 2259 15-7-90	890·6	1331·8	661·32	988·12	1551·38	2320·4	2321
Unoccupied waste							
As found after Survey & classifn (vide Survey Supts letter no 190/5-7-89)	852·1	1229·12	1·22	1·6·8	993·23	1346·4	
As subsequently confirmed (vide Survey Supts no 2259 15-7-90)	803·1	1280·12	194·38	291·12	997·19	1572·8	393
Kharab							
As found after Survey & classifn (vide Survey Supts letter no 190/5-7-89)	2844·14	"	963·28	"	4806·2	"	
As subsequently confirmed (vide Survey Supts no 2259)	2844·14	46	980·24	17·8	5824·38	63·8	63

In their Proc no 5167·8/74 dated 12th August 1890 the Govt ordered as follows:-

"From the above table it will be seen that the Supt has confirmed as Inam 1047·2 gas of waste and 3824·38 acs of uncultivable land. This is a

(P.T.O)

great deal more than the Inamdars can be considered to be fairly entitled to, and before passing final orders the Supt of Revenue survey is requested to be so good as to report in consultation with the Deputy Comr whether the extent of land cannot be somewhat curtailed so as to restrict the grant to the reasonable requirements of the Mutt & the Dayas."

In reply the Supt of Survey reported vide No 495 dated 16th Oct: 1890 that he concurred with the recommendation made by the Deputy Comr to restrict the grant in the case of the Dattatrepit or Diya village (the unlawful mutt lands having been already greatly reduced) by eliminating the survey nos of that village as noted below

Nos	Unarable waste area
259 (part)	253·13
185	243·21
184 (part)	107·14
178	95·39
169	323·16
	1025·23

	Unoccupied waste
174	20·3
175	21·12
172	2·35
171	3·15
170	2·34
176	30·25
177	58·21
168	33·37
179	150·18
	324·0
173	occupied 8·15

(32)

Amended Statement II

Rep'd in Survey Supt's letter of 16.10.90

Extract from the Survey Supt's Amended Statement dated 16th Oct 1890 showing the Survey area and valuation of lands of the proposed Inam village of Dattatri Pt and Mahal in the Chickmagalur Taluk.

Name of proposed Village	Occupied		Unoccupied		Kharab		Total	
	Area	Assessment	Area	Assessment	Area	Assessment	Area	Valuation Assessment
Dattatri Pt	881.31	1319.2	529.1	794.4	1820.31	30	3231.23	1854.7
Mahal	661.32	988.12	194.3	291.12	980.24	17.8	1836.24	1079.3

boundaries, although originally measured into the Dattatrai Pol village, has considerable Daya land which has been excluded from the registered survey villages as Bisayni."

Meanwhile, in the course of the settlement, the Desai Commr investigated the claims of the Bisayni mutt and of Mr Britto to certain lands claimed by the Daya and decided that the Survey Nos 292, 293, 294, and 295 of the Mencia pun di Satao did not form part of the Sabaubdan Daya but had been held independently of it by Mr Britto and that as regards the village of Mahal and the adjoining coffee lands no evidence of actual Enjoyment of them by the Daya had been adduced, while the Bisayni mutt had produced evidence of Enjoyment by it since 1840.

1 McCloud's Statement
292 & 321 both inclusive
2 Kolgaon Survey Nos
292 to 298 both inclusive

Comparison of the Survey Sketch of the Disputed Lands with the accompanying tables marked I II and plan annexed.

Vide Col Campbell's Memo dated 31st Dec 1883.

The petitioner appealed to Govt against the above order of the Deputy Commr & was urged in the appeal petition (No 1059/1890-91) that the lands included in the survey maps Dattabit No I and Dattabit No II belonged to the Daya, that that part had been recognized by Govt in their order No 710 dated 28th April 1884, that the village of Mahuli and its lands having been included in Dattabit No II the mulki had no right to them and that the Deputy Commr was not competent to investigate the claims of the Sirgaimukh and of the Britts.

⊗ ⊗

The case was first posted for hearing on the 3rd September 1891. Notice had been issued to the

× Argus 1890

⊗ ⊗

In Nov 1890 the Dy Commr was requested to furnish a brief report on the petition.

In reply the Dy Commr reported as follows:—

× ×

"The Petr was represented by an intelligent local Pleader (Mr Mahadeo Bhikaji) to whom it was fully explained that the survey maps were never intended to be a record of title in settlement of disputes between parties, and every facility was given for the production of documentary or oral evidence in support of the petitioner's claim.

No fact appears to have been proved by the petitioner during the evidence except to back his case on a presumed adoption by Govt of the survey maps as settling the boundaries of the respective villages."

the Mahal village (exhibit no II) but, as remarked by Col Campbell, the Daya failed to produce any evidence of actual enjoyment of the lands which are in the occupation of the ryots of Sriagni mutt since many years. Under these circumstances the Govt cannot recognize the claims of the Daya & the Mahal village and they direct that the revised settlement as now proposed by the Survey Superintendent be confirmed with the reservation of the right of both the Daya and the mutt to existing tanks no 175 to referred to above."

The Hon'ble Mr P. Chentsal Rau proposed that the case might be reheard if Mr Rumboo Chettiar had no objection to it.

Mr Rumboo Chettiar having had no objection the case was reheard on the 8th January 1894

× Deputy Commr in his memo dated 8th Dec. 1888.

& on that occasion the Appellants' advocate urged that the case should be decided after local inspection.

On the 26th January 1894 the Deputy Commr was requested to send the Entire records connected with the Settlement of the Coffee lands of the Baba budan Daya and Biaapu ment including the settle ment accounts &c.

In February 1894 the records called for were received.

In July 1894 certain records called for from the District Judge of Nagar were also received.

In September 1894 the Deputy Commr submitted for orders of Govt certain applications for lands comprised in the Kattaripet village and solicited early orders regarding the Extent and limits of the Inam granted to the Bababudan Daya.

In reply the Deputy Commr was informed that the matter would be personally investigated by the Dewan and decided by him in February or March 1895 and that

x G.O. No. 1 of 1879 on file of the Dist. Judge Nagar.

G.O. No. 130 of 1880 on the file of the late Judge Madras and certain Executive & miscellaneous cases connected therewith.

28-11-94

till then the question of transferring the management of the Inam to the Mirasdars must be held in abeyance.

In January 1895 the Deputy Commr requested that the entire records connected with the settlement of coffee lands of Baba Budan Daya and Bringi mutt submitted to Govt with his letter no 166 dated 15th Sept 1894 might be returned.

The records received with the letter above referred to were returned.

In March 1895 the Deputy Commr reported that further application for lands comprised in the Bababudan Daya had been received and solicited early orders in the case pending before Govt.

In October 1895 (vide no 310 of 28-10-95) the deputy Commr has again solicited early orders in the case.

15.10.'95

Before the Government of *His Highness* the Maharaja of Mysore.

Appeal No. 1137 of 1896-97.

Appellant. Vs. Respondents.

Mr Syed Ghouse Sha Khadri & B. of Bababudan Durga

Puttaswami of Bisagni &c

2. Mr B. J. Britto since deceased represented by (1) George Britto (2) Phillip Britto (3) William Britto (4) Sy. Siddy Smith

Appellant's 1st Respt. deceased. 2nd Respt is represented by his heirs. 17. ~~Defaulted~~ 26. 3.97.

Appellant by Mr V. Ramaswami Respt's Vakeel appears 2nd Respt's Vakeel appears. Respts urge that the suit was under the management of the Sarjagar Dewasthanam & on the removal of the present pleader Respts have & Sarjagar Dewasthanam & their representative Respt. adjourned 5. 7. 97.

Adjourned 6-9-8-97.

All parties served except Phillip & William Britto who are stated to have deceased. Adjourned to 11th for 13th.

13th August 1897

Heard mr Ramaswami Papers & papers relating to the settlement of boundary

Virginia.

In the matter of the claim of Richard Sanford for the Value of the Barracoon Negro Ure deceased Intestate. In her claim of the 2d Council there have been referred for hearing, and parties have been invited for the appearance of parties interested on 1st instant.

Then came have been heard before the 1st Commissioner. Mr Ure Counsel for the Estate of 2d Council and Mr Pritchett for the 1st Council who stated he appeared for the 2d Council and that the Local Agent had not been retained & 3d Council instructed.

The 2d Commissioner stated that he had taken Evidence, and on Friday the Council has also the case, he can the case heard

the 1st Councillor, and that
of the 1st Councillor is vacate
to hear Appeals, he has
no Appeals whatever to
hear. Only the 2nd Councillor
to hear them.

Subd for orders.

1/9

The case was
argued by Mr Tennant Roe and
I had already decided
my opinion on the Statute
& draft order — Mr Tennant
Roe wanted some addl
argt. before giving me a
note of the order proposed
by me. and this has been
done Manual. As I had
heard former argt fully
recalled it, & drew
in both parties
the case should
rehear before this
Court who
Taken report in
your Under Then
thereby appeal from
case Origin

When this case came up
for settlement in 1884, the
facts were that the Inam
of Brisogni Matt was which
had been included in the
villages of Hoffalli and Kolgani
had been finally registered
by the Inam Dept, and
the claim set up by the
Mahandar of Dattatreya
Durga had not been decided.
In reporting upon the latter
claim the S. Supt sent two
maps which he had formed
of all the lands which were
comprised in the reputed
enjoyment of the Durga
and which he had separated
from other villages as noted
in the margin - He recom-
mended liberal treatment
& suggested a similar treat
-ment being accorded to

obtained & with reference
thereto the Survr will
be asked to identify the bounda
& state which of the lands now
mapped by him will be inclu
within such boundaries. If boun
a sketch according thereto
will be made & sent up wh
the survey numbers of the
lands shown in it.

6. In the survey of the 14th June
by Valvaitdar Hulli Bhyr
Nayappa & now produced
& marked B certain bounda
of the Brisagne' Inam are fix
The Supt will be requested t
deal with these bounda
as in para 5.

7. With reference to the docum
admitted
filed by Mr Shankar the lan
referred to in them must
be identified by the Dy Com
and their survey numbe
as now measured & assig

In one of these letters the Inam

enjoyment as ascertained?
was any evidence taken or
any local investigation made
all the records of such enquiry
should be sent up.

(3). When the reputed enjoyment
of the Danga grain was thus
defined & separately & distinctly
from any razeenamah taken
from the neighbouring villages
taken & recorded? If so the
original records of such enquiry
must be sent up.

(4). A petta ~~should~~ is said
to have been sent to major
Lovie ~~as~~ in 1876 in which
the ~~bounds~~ bounds of the
Danga grant had been
specified & described. This
petta if forthcoming must
be obtained & the land thus specified
must be described with reference to the present survey numbers.

(5) In Col Forbes order of the
27th Augt 1860 a copy of which
is now filed by the Madras
marked A ~~are~~ the boundaries of
the land under
~~the~~ enjoyment
of the Danga are given

Mann's remarks related upon
the instructions and the fo
which have ~~reached~~ su
the condemnation of Sort. viz

(1) The extent of the re
Mann

(2) The distributed expo
which both men have
have set up for
same land.

arrive at a decision it
company to have the following
matters:—

What does the area sur
in the Survey Sports letter
on which the order of 1884
was based denote? How
was this extent obtained
Does it comprise the whole
area included in the map
part 1. & part 2 of Dall

2)

s. 65 2a 6 9 b the 8th Govt Madras

* is an enquiry number by number the exact extent of enjoyment could not be ascertained. Was such an enquiry made? If not how was the actual enjoyment ascertained?

16-8-97

A.B.

Mad.

Immediately Peter a statement be obtained.

Mad.

The Rockets drafted as per 2nd Councillor's verbal order.

S.V. 18/8/97.

(2) Early history of the Imam.

The following is an Extract from the Duffer Code of 13-10-97

" From an order of Devan Parmiah to the Amildar of Sattara dated Sithart (1799), it appears that two villages named Dacurballi and Curzippe of an aggregate Jeriz of Canteray Pagodas 526-7-5 which had been enjoyed as Inammanyam for a long time prior to that date by the Brahmin Gloria Ramchandra's ancestors, were confirmed to them, on the same tenure, to meet the expenses of the charge on the Hills.

2. In a subsequent Firman of H.H. the late Peishwaiya dated 13th February 1812 soon after his assuming the charge of the Government

left in the charge of the
Nekkandars.

*Dated 6th March 1822

4. In a Proclam addressed
to the Arnidars and other
Officials of Calicavalli, Calic
Vaipadas and Gudalurnagu
Talucks, Surradhikar Gaia
raj was stated that it had
been brought to his notice
that inclosures duly were charged,
contrary to custom, on the
articles purchased for the
use of the Rangas on the
Bababudan Hills and that
the Government authorities
required the coffee produce
of the lands to be made
over to Government, and
directed that the above
objectionable practices should
be discontinued, and that
the "Manual" or custom
should be followed.

5. In 1823-24 the Nekkandars
having complained that

processions including Inam and Jirayat lands, should be attached, and that he should be warned that they would not be restored to him unless he sought out the insurgents and produced them before Government. The Resident of Kolhapur having made a further reference regarding the above order, it was confirmed by the Maharaja in his Firman dated 13th August 1881.

7 On the assumption of the Administration by the British Government, all the Inam lands in the province were attached by order of the Inam Commissioner, but the order was soon after cancelled and the owners were relieved from attachment. Among those who were relieved, were the

per mensem, if awarded,
would occasion great
loss to Government, especially
because the cultivation of
Coffee on the Hills is
rapidly on the increase,
and recommended that
the study should be based
on the Fruits above named,
but that, as a recompense,
a fixed money allowance
of 100 Rs per annum to the
Bankarees, and of Rs 400
to the Bramin Pundit, may
be allowed. It was remarked
on this Extract by the then
Head Translator Mr. R.
Cunningham that the sale of
Malat newly prescribed
was a moderate one and
that as there was no authority
to show that the lands were
held in inam, the Malat
must strictly be levied
in accordance with the
above rate; it was replied
in Extract of 12th October 18

* Dated 22 October 1833

that a general order had been issued on 5th Idem, to the effect that the Natal of 1/2 per pound should be levied universally on all coffee exported, and that that order should be strictly enforced in the case of all coffee whether grown in Native or Sirkar lands.

× × × ×

2. In letter No 16 of 26th April 1858, the Acting Supt of the Tanjore Division requested orders regarding some applications which he had received from certain inamdars to grow coffee in the jungles attached to their inam lands subject to the payment of the Natal duties. In this office reply No 116* of 13th October 1858, the inamdars in general were allowed to grow coffee in their lands in the ensuing understanding that the articles produced shall be subject to the duty of 4 annas per pound

+ This letter is not put up but its purport is given in para 2 of Jagir Sup No 3) No 161 of 23rd Augt 1860

13 Again, in August 1860, the Superintendent of Rangi reported in his letter* noted in the margin, that, in accordance with the Office No 24 of 14th March 1860, which directed that the real extent of coffee cultivation in the Province should be ascertained and all unauthorized plantations removed after the term prescribed therein, he called upon the Planters to apply for Patents within that term, but that there were some plantations made upon the grants attached to inams, the holders of which objected to receive patents in the prescribed general form, pleading that they were at liberty to grow all kinds of crops upon the lands in question, and that the Value of Arrack per annum paid by them was a mere excise, and not in lieu of Inam. The Sup[t] stated that these objections were valid in the case of established inams,

* No 16 of 3d Augt 1860

nt as the tenure of all the
rms in the Division, remained
nsettled, and as this Office
No 116 of 13th October 1886, referred
to above, directed the levy of
e duty unnecessarily, the
xpected instructions as to the
recise form of patta to be
given to the inamdars. The
Supdt also drew attention
a letter received from this
ffice in which it was stated
hat when the question relative
Coffee cultivation in Inam
ands was finally determined
further instructions would
e communicated regarding
e Jungles said to be on
ame to the Durga on the
abadan Hills

. It was stated in reply + No GO & Sc "August - 188
hat the Supdt should call
n the proprietors of all
iven lands, on any portion

planters, to produce before him the Grants or Grants which constituted their right to such lands, that on receipt of these documents, an accurate Survey should be made of the lands actually held under the Grants, whether corresponding in extent or not, and that both the Grants and the Survey Report, should be transmitted as each Survey was completed, to this Office, when the whole subject of the disputed titles would be taken into consideration.

15. Accordingly in 1862, the Major Divisional Surveyor submitted the Grants produced the depositions given by Seymour Chalkhurst and the Survey Sketches and plans of the lands belonging to the Negro on the Pantaloon Hills. The receipt of these papers was acknowledged in this Office No 1049 of 12th July 1862, to the Deputy Assistant Major Division

+ In 1849 of 3rd July 1862

A question having arisen
1869-70 Mutts: the Lawnds
and other documents received
with the Rajas Sanja St. letter
No 189 Sd 30 July 1872, which
appeared to have been returned
the Inamdars with Endt
No 249 Sd 17 March 1865, were
received by Sivrao Shankari,
was ascertained from the
Inamdars deputation, visited
the Rajas Sanja St. No 3947/224 Sd
7 November 1872, that he had
received the Endorsement and
the Enclosures. It was found,
however, that the Lawnds
alone were returned to the
Inamdars with the Endorse-
ment above referred to.
The deputation and Surveys,
however, could not be
traced in the Office."

From the Collr Asst Supt's
order Sd 21/5/68 (quoted in the
Inam Assistant's memo) & from
the Secretary's No 7183/1145-2 Sd 8/12/75,

it would appear that no definite order settling the petitioner's claim to grant on the Sirsi-Kumta hills were passed in 1862 or subsequently. It has to be inferred that the settlement was left for the Grant Dept and that meanwhile the existing state of things ~~continued~~ continue undisturbed.

Before leaving the subject of the early history of the Mangalore may be made to an extract from Mr Stokes' general report on the Nagar Dn of 19/5/38 and to Capt Peter's order of 27/8/60 to the amildar of Lakkavalli Taluk. x

Mr Stokes refers in these terms to the Nagar hills grant "Directly above the village of Jajavu on the summit of the

x P64 of the Report translation Selections from the Records of the Commr's office.

hill which is called by the Hindus
Mount Kyatha Parbat is the
celebrated Mt Kailas or Mahā (sic)
of the Barbarian calendar
× + ×× The succession of
the Calendars is hereditary.
One of them has the merit of
having introduced the use
of plant from Arabia and in
consideration of this circumstance
Runjeet Singh allowed the produce
on the land belonging to the
Mahā (sic) to be enjoyed free
of any tax "
This passage is merely historically
interesting but does not state
what lands belonged to the Jogis.
In the order of Capt Burke (Supt of
Kangra) of 27/8/60 the boundary
of the Jogis Mann on the
hills are said to extend
from Bhawangarpur to
Gaikgundi this is only
two boundaries & even these
two have not been identified
beyond doubt — as will be
subsequently seen

(4) Inam Settlement- Lakh Karnatic

Taluk having been taken up for Inam Settlement in 1871-72, the Inam Supt- in his letter No 52 dt 5/8/72 to the Secretary requested the transmission of the Survey Sketches, Sunnads &c relating to the petitioner's Inam and forwarded to the Chief Commr- with Nayar Dr- Supt-'s No 189 dt 3/7/62.

The Inam Supt- was informed that the Sunnads had been returned to the petr- and, after a prolonged correspondence, that only 2 of the Sketches were forthcoming (Secretary's Nos $\frac{2758}{9477}$ & $\frac{7033}{9148}$ dt 19/8/72 & 30/10/77 respectively)

In the Report of enquiry, the Inam assistant (Mr V.N.

Nara Sivaraman / has noted,
under date 10/9/74, that the
Inam village of Attapundi comprised
17 coffee plantations & 6 coffee
Jungles, that it was paying
kaduk & that no extent
or benz of the Inam was
given in any of the
pattas relied upon by the
petr. The Inam commissr
recommended the confirmation
of the Inam as a whole village
under Rule V of the Inam Rules.
The Inam Supt (Col Rickle)
remarked that it would be
difficult may impossible for
the Survey Dept to measure
an undefined area and
called for the original Sunnads
and the Sketches of the Inam
made in 1862

(5) As no sketches were at
first reported to be forth-
coming, the Imam Supt in
his letter no 142 of 13/7/76 requested the Survey Supt to
intimate to him whether the
village of Attapandy had been
measured and whether the
coffee jungles mentioned
in the Imam Assistant's
memo were situated within
the recognized boundary
of the village

The above information could
not be given for the next 2
years as the field work
was not completed even so
late as September 1878

Under date 10/10/76, the
Imam Supt (Col Cole) records
his belief "that the coffee has
extended since the sketches were
made of the coffee gardens and

that the Sketches are now
kept back" I, do the
petitioner justice, it must be
mentioned that this was
written a year before two of
the Sketches were traced in
the Ch Commr's Office

The Settlement of the petrs
Inam was thus postponed pending
the completion of Survey (Inam
Supt's No 73 of 11/11/77).

The extent of the petrs coffee
Lands in Attigundi was reported
in Survey Supt's letter No 575 of
1/7/79 to be 620 acres & 20 guntas

× original is not forthcoming
but is quoted in the Inam Rep

(6) Survey Settlement

The boundaries of Villages near
Attigundi appear to have
been fixed in the years 1874-76
and in fixing them Attigundi
(or Bababudangiri as it is
otherwise called) was treated
as a whole Inam Village of
which the petr was the
Inamdar

The razinamas taken down
by the measurer at the time
Show that Attyanda is
bounded by Arlagappe, Bendra
& Dasarhalli A reference
to the maps shows that these
villages are all to the South
of Dattatrypl. Part-I, and
there is nothing in these
razinamas to throw any
light on the other three
boundaries

The razinamas of the
villages of Gonakallu &
Jogarihankalu show that
these villages were a boundary
of the Lands of Bragur
the Kan Nath The maps
of Dattatrypl. Part-II show
that these villages are to
the east of it, especially
that portion recognized by

i/c Comm^r to belong to the
Unit. Thus it is clear that
the boundary of Dattampal
Part-II are inconsistent with suppose to belong to the Mayor
the boundary shown in the
razamana while there are
no data whatever pass in the
razamana for three out of four boundary
Dattampal- Part-I

From the Survey Supt's instr.
dt 15/4/80 to the pet^r, it
appears that the pet^r desired
to have all his Inam lands
in one village & that the
Survey Supt^l agreed to
demarcate according
to Attapunds had already
been demarcated in accordance
with razamana, there was
no necessity for this instr.
Reference is made in the
Comm^rs letter No 479 dt 23/6/84 to Survey Supt^l

to a resurvey of the Mulk
lands in 1864 but why
such a Survey was made
~~but~~ is not clear & was
not clear to the Govt
of the time

Reference is also made to
in the Survey Supt's letter
of 7/4/84 to the Secretary to
Govt to "the Sanction"
Govt under which Dattatraya
was formed into a Village
at the time of Settlement"
but the order if any is
not forthcoming but has
been called for from the
Survey Supt

The elucidation of these
points may perhaps
help one in understanding

the genesis of the maps
of Dattatrēl Parts I
& II It is impossible
to conceive that the
Survey Dept. drew these
maps from the data
furnished by these
Razzamans. To draw
the map of a Village, given
a single boundary admits
of [illegible] two-fold
[illegible] infinity
of Solutions

3) In the year 1882, the petr
appealed to Govt against the
D Comm's decision dismissing
Govt's claim as
time barred Suit No 53 of Nagarlachi as
Inam. The D Comm who was
requested to uphold Statement that the
question of the petrs claim to Inam
lands in B-Kalandan Hobli town
being enquired into by the Inam Dept
on a reference from the Office the
[illegible] published that the papers

had been forwarded to the Survey Supt for Settlement.

The Wycomme having some of time after brought to the notice of Govt the petr's delay in paying up the local cess. the Govt observed that it was premature to call upon the petr to pay the local cess before his claim to main lands was settled and requested the Survey Supt to expedite the Settlement

(8) Govt decision. In his letter no 1187/4/84. the Survey Supt reported on the claims of the Bassein Mutt as well as of the Dharga & recommended the confirmation of the lands claimed as main lands on 1/4th quit-rent

In this letter the Survey Supt
stated that " the particulars
of the lands claimed as Inam
as now surveyed and classified

were

		a	g	
1/4	Dattatripit	2873	17	(334 acres class as unfit
	Kolsavi	940	30	(82 acres do
1/4	Hogrepalli	344	9	(nil ... do)

No hint is here given that
Dattatripit consisted of 2
parts with the Mutt lands
in Kolsavi intervening
between the two, or that
the Mutt had lands in
said Kulivatte (as can be
easily seen from the Inam
Regr) or that there was
any difficulty in allocating
the respective Inams.

I
M S O No 710-11 / Rev 7 dt 28/4/84
the Govt approved of the

Survey Supt's proposals thus
order taken in conjunction with
the Survey Supt's letter can
only be taken to mean that
(1) Govt assumed that the
extent of Dattatreya was
2873 acres (2) there was no
dispute regarding the alienation
of the lands (3) Govt confirmed
on the above premises the
extents mentioned in the
Survey Supt's letter.

In his pet no 2795 of 8/9/87
the pet applied for a review
of the above order on the following
grounds
(1) That the grant should be
should be cancelled
(2) That the Bangarpet Taluk
Karnam which intervenes
between the two parts of
Dattatreya - should be
treated as a minor Inam
under the Dumja

The pet was rejected

on the ground that the Salvador of 1884 was extremely liberal & that no further concession could be shown.

(9) Claim of the Bragni Mutt

Before proceeding further, it will be convenient to refer to the history of the Mutt here.

The Mutt bases its claim to these lands on a sanad from H.H. Krishnamraja Wadiar III dt 17/10/1811 (1811) This sanad mentions the fact that one Bragni Iyengar had founded three Mutts viz Melgote Mutt in Tarikere taluk one Kere Mutt in Lakkavalli taluk & Hosa Kere Mutt in Banavar taluk

and was in possession of
certain Inam land in
these talukas
The question before
the committee of these
talukas not to interfere
with the Mutts enjoy-
ment of these Inam but
does not specify the extent
or assessment of the
Inam
In what follows reference
will be made only to
the Mutt lands in
Lakkavalli taluk viz
i) those in Kolsavi
& Melhulavalli Hosakatti
is in Kadur taluk

(10) The Mutt's claim to
Inam lands not having
been registered
during the

settlement of Kuruvi in
Lakkadivi Islands, the agents
of the Mutt presented a petition
to the Asst Commissioner (Mr
Syed Nasiruddin) on 11/11/75
praying for recognition of
the Mutt & issue of
title-deeds
The case to whom the
petition was referred for
report stated that the
Taluk accounts did not
throw any light on the origin
of the Mutt
on a reference made by the
Asst Commissioner, the Dy Collector
of Kadmat forwarded a State-
ment of lands measuring
726 acres & 36 guntas held in
Inam by the Mutt in Kalpeni
& Melchilavatte and stated
that most of the Sannads

on which the Mutt's dams
was based were reported
to have been destroyed in
a fire at the Mutt
The Statement of lands, it
may be remarked, includes
three portions of "Mahalgrama"
1) As the Survey of the taluk was
in progress at the time, the Inam
Supt in his No 459 d 27/3/77
requested the Survey Supt to
furnish him with the extent
and assessment of the Mutt
Coffee lands in Lakkavalli & Banavaralukes
In his No 261 d 31/3/77, the
Survey Supt informed in
reply that the Survey being
incomplete, the information
could not be given and that
the assessment could not in any case
be given as all the lands were
at that time being entered as

uncultivable

In his no 705 S 25/8/77
the Survey Supt forwarded
to the Asst Supt a
maps of the Mutt lands
in Kolgavi & Melchulavatte
(These maps are not in the
correspondence forwarded
to this office by the Survey &
Asst Supt.)

In reply to further enquiry
from the Asst Supt, the
Sur Supt reported, in
the x marginally noted letter,
that the singamundre
Slums originally fixed as
boundaries of the Asst
did not exist, & that Rough
Maps & lists of names of
pattadars of lands in
Melchulavatty could not be
sent as "the information

x { no 742 S 19/8/79
{ no 798 S 4/9/79

-n based on a survey
still uncalculated and
upon irresponsible entries
in the field books by our
measurers & clerks"
The Survey Supt. mildly
inted that such enquiries
were not necessary for
testing the validity of
Mams according to the
ld accounts - with which
alone the Mam Dept. was
oncerned.
n 23/6/80. the Mam Supt.
rejected the claims of
the Mutt to Mam lands in
Mekmahelawatte
a passing reference may
e made to the Survey Asst.
upt's (Mr Butcher's) No 49
17/8/78 in which he,
hile reporting that certain
o the Mathan respecting the

Mutt lands in Mehra-
headwatta could not be
given, refers to "the
classification of the Village
not having been completed
owing to the opposition
on the part of the Mundra
Gowda Khadr".
On this the Asst Supt
(Mr Cole) has recorded the
note "There is some error
here as the Bababoden-
giri Inamdar has nothing
to do with the (Mutt?) Subject
of this correspondence"
It would have been well if
the "error" had been pointed out
and nipped at the outset,
for there is very little doubt
that it is on this "error" the pet^r
mostly relies
(12) Before leaving the Subject
of the Mutt Inam, it is necessary
to refer to the pet^n presented

e is a word in the original which appears to be 'Mutt' in connection with 'Subject'

by Pattaswami, agent of the
Mutt on 5/3/76 to Major
Cowie (D'Supt Survey?)

In the pet[n] the boundary
of the (Bruyne) Hirekan
Mutt Inam are stated to be

East – Gubbikere Dibbadurga ✕
West – { Jundu Jennusari
Hullu yenu
North { Nandimaradu Jenina
bhanka from
Akkatangira kallu
South – Gandi Bettana Jenu
Bangarasi

} seem = refer to the Mutt lands in Dattatreya Part-II

In a darkhast of Narsappa
agent of the Mutt to the Supt of
Nagar of 14/6/60, the
boundaries are proved to be

E – { Road leading to Gubbikere
& Bindiganavile
Bukkalu agana hole ✕

} seem to refer to Mutt lands in Kotgarhalli Part-II about which there is no dispute

W – { Sonthekulavalli & Name
Gowda's Bayne Kan Kuli Tola
Addakan Kotti Nandikere ✕

} at least three Surs rejected the Dungarsi applⁿ for reversion

N – Hallu

These boundaries as indicated on the map seem to show that the Nath Lands in 1860 consisted of the lands included in Kolsari at the Survey & Nal. the Lands in Dattatrayal Part-II were encroachments subsequent to 1860.

(13) It will be convenient to refer here to the objections of the Nath to the formation of Dattatrayal as affecting its claim to Inam lands in Mahal

On 25/6/84 the agent of the Nath complained to the Collector vide Nat- "Mahal" lands in the enjoyment of the Nath had been wrongly included into Dattatrayal Part-II & that this inclusion would lead to future disputes between the Nath Dayad

the annexed to whom the per-
was referred for report- States
that the reason for including
"Mahal" in Datta's Part II
should be ascertained from the
Survey Dept. Thereupon the
file of the 12 acres was referred
to the Survey Dept for perusal
& the Survey Dept. accordingly
returned the file, the original
accordingly presented a petn
to the Survey Dept on 30/10/84
which was referred to the
D Commr for enquiry as
to time of settlement (under
the Sett. order of 1884)
After some enquiry the Asst Commr
has passed final decision
touching the settlement-
under the resurvey.

Britto's claim. In decree
No 1 of 1879 on the file of the
Dist Court of Negapatam, A P Britto,
was declared to be entitled, as
purchaser, to the possession of
the two coffee estates described in
the Schedule with the exception of
acres in the portn of 3rd defendant's
said two estates are estimated
to contain 12 acres

(15) To revert to the petr's case.

The history of the petr's case
how been brought to the year
1884. The subsequent history
itself ends two periods
(a) from 1884 to 1889 when
the govt in their order no

41.73-4 dt 15/8/89 recognised
49
that the govt order of 1884
must be revised as the data
furnished by the Survey Supdt
and adopted in that order
had proved imperfect &
unreliable
(b) From 1889 to the present
time

(16) Period from 1884-1889.

The govt order of 1884 laid
down, among other things,
that the inferior holders
under the Mutt & Dayas
should have the benefit of
a permanent settlement

under the rules of 2nd
August 1881 (now embodied
in an appendix of the C.R. Rules)
that the agreement thus fixed
should be binding on the
Matt & the Durga and that
the Dy Comm^r should retain
the management of the
Villages till the settlement
was completely effected
in attempting to introduce
this settlement, the Dy Comm^r
found that some of the
Brajpri Mutt lands
had been resumed in
1884 by Major Cowie, & that
the inferior holders generally
asked for a resurvey
owing to the numerous
changes that had taken
place since the last pattas
& therefore requested the
Survey Dept to have the
lands of the Durga & the Mutt
resurveyed under Govt Orders.

× The said Lands when settled & pu
this was why that the proprietors
were subject to Mr Narain Rao in 188
Commenced in Western.

No 19 S 25/10/84, dated authorising the Settlement. The survey extended over two years and in the early months of 1887 the D Comm^r began to introduce the Settlement.

(17) In authorising the Settlement, the D Comm^r was called upon to decide several disputes of which the most important were the claims of Brito & the Bassein Municipality to portions of Dattampad Part-II in dependency of the Durga. The first of the latter dispute has already been referred to in para 13 above

As you will enquire the D
Comm^r considered that the
Mutt had established the
better right to the lands
in Dattampet Part-II than
the Durga, the D Comm^r
in his letter No 105 d 20/4/88
requested the Survey Supt
to inform him of the data
on which Dattampet-Part
II was measured into the
Durga lands.

Far from furnishing the data
of the Survey Dept, the Survey
Supt in his letter No 69 d 2/5/88
replied (1) that the maps
were made merely to suit
convenience & could be
altered to suit any settle-
ment arrived at by the D Comm
(2) that the claim of the
Durga that its Inam lands
were in any particular

Villages was adjourned (31 and
that the dispute between the
Dursa & the Mutt & Brito
should be disposed of by
a minute enquiry number
by number

In a subsequent letter of 10/8/88
the D.C commr enquired why
in the So. of 1884 Kolsavi
was mentioned as the Village
of the Mutt instead of
Melharavatti which was
the Village mentioned in the
Jr. Asst.'s docket of
30/6/80 to the Survey Supt.
rejecting the claims of the
Mutt

In his letter of 15/7/88, the
Survey Supt replied that the
discrepancy between the So
of 1884 & the Jr Asst's
docket was of no practical

importance, that it was
needless to trace it and that
the Act of 1884 applied to all
the Lands of the respective
Tenants wherever situated.

Proceeding to settle the disputed
on the information then
given & on the evidence
adduced by the parties, the
Assistant Commissioner (Col. Campbell)
decided, that the Daryaiyay & Nadimamma of 31/12/88
not entitled to any portion
of Dattakiputi Part II, that
out of Dattakiputi Part II Brutto
was entitled to hold 5 Nos
292-296 & 298 under the
Final Court-decree & that
the Mutt was entitled
to the rent as Inam

In his letter of 5/7/89 to Govt.
the Survey Supt reported that
the extent of the Daryaiyam
Land was as shown below

(A.W = Arable Waste
U.W = Unarable Waste)

	occupied	A.W.	U.W.
Dattatrayad (I)	891-6	852-1	2844-14
" " II	326-31	77-22	1960-28
	1217-37	929-23	4805-2

after survey & classification

As requested the matter claims
& sent regarding the disputed
of 680 acres 22 guntas
of which
there was no hint in his
letter of 7/4/84
Mr Chentsal Rao to whom
the letter was sent for orders
thought that the Inamdars
was entitled only to the
lands under occupation
ie to 1217 acres & 37 guntas)
but referred the matter
for the orders of the Govt
As the extent given in the
Survey Supt's letter of 7/4/84
was widely different
from the extent as now
given and as further

a large extent of Kharab had been discovered in the village. the Dewan was of opinion that "on the information now submitted" it was impossible to lay down a few general principles,

(1) That the Inams of each of the Institutions should be constituted into a Separate Village

(2) That such Inams should consist of (the occupied lands in their enjoyment + such waste lands - arable or unarable - as would make compact and convenient blocks

(3) The institutions should be treated with liberality

The Survey Supt was requested* to report with maps the final settlement he would

* So no 4173-4 & 15/8/89
49

In passing, reference may
be invited to para 3 of the
above letter in which the
Survey Supt refers to Settle-
ment Part-II as if it still
exists & the Durga, though
in para 2 he seems to
accept the decision of
the D Comm'r in dispensing
of the Dams set up by
the Durga & the Mahal
& Menhajmudi lands

(19) In his letter dt 15/7/90 the
Survey Supt submitted final
proposals for the settle-
ment of the two Dams
in consultation with
the D Comm'r

The main features of
the Settlement were
(1) That the Mahals of the
Durga & Ruth were called

respectively Dattatripal &
Mahal

2) That the proposed Dattatripal
was to consist of Dattatripal
Part I under the old
nomenclature

3) That Mahal was
to consist of Dattatripal
Part II (under the old
physiography) nunes
5 nos* 292–298 (to be added
on to the 5th village of Kolpan)
& 5 nos 299 to 303 (to be
added on to Methulawalla).

plus the Mutt lands in
Kolpari (about which there
was no dispute)

Under this proposal the
Mutt was deprived of
344 acres & 6 guntas (of
which 1336 acres & 31 guntas are
khanab & 7 acres & 15 guntas
are arable waste) which
the Mutt would be entitled

* This includes Mutt's Lands.

* These extent could have been
1103 acres & 15 guntas
occupied – 622–2
Arable waste – 124–1
Unarable waste – 356–
1103–
by ordering Examination
This will be worked out fa

The extent of Dattakapet & Mahal was, under the proposal, as follows:

		a	g
Dattakapet	occupied	890	6
	Arable waste	853	1
	unarable	2844	14
	Total	4587	21

Mahal	occupied	661	32
	Arable	194	18
	unarable	980	24
		1836	34

4587-21
1536-34
6424 75

(20) In their proc 5167-8 of 12/8/90 the Govt observed that the above proposal involved the confirmation as Inam of a 1047-9 of arable waste & a 3824-38 of unarable waste, a great deal more than the Inamdars can be considered to be fairly entitled to and requested the Survey Supt to report in consultation with the Collr whether

the extent of land cannot be
curtailed so as to restrict
the grant to the reasonable
requirements of the institutions

In his[x] letter d 16/10/90 the [x] as amended in a memo dtd
by his letter d 22/9/93

Survey Supt. submitted
revised proposals for the
settlement of the Inam.
This revised settlement
left-villad. untouched
as the extent could not be
further curtailed and involved
the reservation to Govt. of
[x] 13 55 acs & 38 gunthas out [x] Khanapur 10 23 - 23
of Dattatripet (= Dattatripet Part-I) A W 324 - 0
occupied 8 - 15 (Sy. 173)
The extents allowed to the
Dinga & Math under the
revised proposal were
respectively 3231 - 23 &
1831 - 34 respectively

(2) While in before the
Survey Supt submitted his
revised proposals. The
Mathiyalan appealed to
Govt against the D.C.'s
decision of 31/12/88 rejecting
his claim to any of the
lands in D attempted Part II
A report was called for and
the case was posted for hearing
in 1891 The subsequent
history of the Survey Supt's
proposal is merged in
the history of the pet's
appeal
After his hearings, Mr Thomson
Shellaguru proposed an order
approving of the Survey Supt's
proposals & rejecting the

(2) How was the reputed
encroachment ascertained?
Was any evidence taken or
any local investigation
made? All the records of
such enquiry should be
sent up

(3) When the reputed encroachment
of the Dhipa Diara was
thus defined & separately
mapped were any rayatnama
taken from the neighbouring
villages recorded? If so
the original records of such
enquiry should be sent
up

(4) Puttadarans - petn. for
major cowle in 1876 should
be sent up. The boundaries
therein given must be
identified & the tract with
them described in the
petn for the

should be sent up & the
boundaries of the Dayas
shown thereon given substantially as
6. The boundaries of the Patti
shown given on the sketch-
of the agent of the Mutt d 14/6/60
should be similarly identified

7. The lands referred to in
the documents submitted by
Mr Sparkes should be similarly
identified

8. Was a minute enquiry
made by number — as
suggested by the Survey Supt- in one × d 2/5/98
of his letters — held by the Dy Com^r?
If not- how was the enjoyment
ascertained ?

(23) The replies of the × Survey Supt & Dy Com^r × his letters d 8/11/97 & 21/3/98
(exception) are as follows × 28/5/98
Dy com^r's letter no 5-248 d 4/1/98

a 9
The extent of 2873-17
given in the Survey Supt's letter
denotes the coffee
shown as furnished
in the sketch

The area does not include
the whole area of parts I & II
of Dattatreyal who is Cultivating
Palai Land entered as Arukkany

(2) The proposals made in
Survey Supt's letter of 16/10/90
are based on Col Campbell's
enquiry of 1888

(3) Rajamanas were taken
at regular measurements
but not at any subsequent
proceeding. These have been
sent up.

(4) Most of the boundaries
given in Pattaswāmi's petn
by major course have been
identified by the D.C.S. on the
maps which have been sent
up

(5) The boundaries mentioned
in the order of Col Porter of 27/8/60
have been identified but
the Mutt & the Dupa are not
agreed as to the identification
(The original petitioners Guruchal

with Col Parke's order have
been called for but have
not yet been received)

(6) The boundaries specified
in the Mutt's award of
1860 have been identified
on the maps

(7) The lands referred to in
the documents admitted by
Mr Sparke & relevant to
the present dispute have been
ascertained by the taluk
Surveyor to be † Lands
Nos 175, 177, 340, 350 & 366
in Kottaram Part II in the case
of the Mutt & to be & Nos 175
& 177 in the case of the
Durga None of these
lands lie in Dattatreyapet

(8) The only enquiry was
Col Campbell's carried out
in 1868

† These belong to the Temple
without dispute

& Do but the Durga claims
some fields within our survey
(Salikkara, a holy place)

In his letter no 6435 21/3/95
the Surveyor Genl states that
the boundaries given in col
Parker's order & like the sketch
of the North agent presented
in 1860 as now identified
"do not indicate any
useful acquisition of
land in the Kerrabbin
This is also plainly evident from
the maps in which the
boundaries are identified.
The Survey Supt- infers that
the object of these enquiries
by Govt is still further to
curtail the grant conferred
by the Deed & states that
if so directed he will see
whether a still larger area
than that shown on small
map 6 as reserved Govt-
can be dedicated"

(24) Before proceeding to discuss
the grounds of the appeal
preferred by the pet^rs, it seems
desirable to refer to certain
points in the Survey Supt's
reply.
In his letter of 7/4/84. the
areas of the farms were
given "as now surveyed &
disputed" but in his letter
of 8/11/97 the Survey Supt says
that these areas for were
furnished to him by the
Commissioner & leaves it to
infer that this information
was wrong. For even reflecting
the extent of Khanab, the
extent of coffee lands belonging
to the Durga as given in the
Sur Supt's letter of 7/4/84 viz
2539 - 17 differs widely
from the extent of coffee
lands found on the two parts
of Dattatreya on a resurvey
viz 2147 - 20 which widely

unoccupied lands

In his reply to question No (2) the Survey Supt seems to have misunderstood the question. The Supt asked for information regarding the enquiry which preceded the formation of the maps & not the Govt's enquiry which became necessary to correct these maps. However no such enquiry is said to have been made.

(25) The grounds of the petr's appeal can now be considered. These are

(1) The Govt proceeding of 1884 confirmed in 1887 - settled the question regarding the extent of Inam the Durga

boa entitled to and the
D Comm^r was not justified
in reopening the question
(2) The maps of Dattapukl-
Parts I & II were formed
in 1880-81 on the pet^rs
representation & the
Survey Supt & after due
enquiry These were
accepted by the Dewan
as correct in the Sett proc^s
of 1884 & it is not open
for the Sub Supt & the
D Comm^r to revise these
maps
(3). The Sett proc^s of 1884
authorized the D Comm^r
to settle certain disputes
between superior & inferior
holders & to retain the mana-
gement of the Mhals for 3
years for this purpose. The
disputes of the Mutt & Brutto are
not of this nature & the
D Comm^r has no jurisdiction
to enquire

(4) Coming to the merits of the case, the Govt. proof 1864 located the Mutt lands in Kalyani. Yet the D Comm^r finds that the Mutt has lands in Dattatreya Part- II which was formed out of Melnakudar alla

(5) Whether Brutto was an inferior holder under the Durga or a ryot- under Govt. is a question for the civil courts & not for the D Comm^r to decide

6) The evidence produced by the Mutt to prove its enjoyment is unreliable & certain material documents - such as the Mutt's petn & Inquisitions were not called for by the D

(7) The Durga Inam is stated in Col Porter's order of 27/8/60 to extend from Bangadagiri to Salisand. These boundaries include Dattatrayal Part-II

26) These are de all- with Secretariat below

(1) The extent of the Durga Inam was stated in the San Supt's letter of 7/4/84 - from wh the Govt drew all their data - to be 2873-17 a from the resurvey the extent was found to be 6952-22 a When the data on which the order was based failed, the order itself had to be revised & then the Govt did in Proc No 4173-4 of 15/8/89 49 It seems however questionable Whether the Dy Comm of Shimoga have decided the Mutt's claims without having previously made a reference to Govt As it was, the reference

was made by the Surv. Suptt.
long after the D Commr
had made up his mind
on the dispute.

(2) The Survey Dept. had
abundant opportunities
for explaining the data
on which the maps of
Dattatrepal Parts I & II
were drawn in 1880-81 but
instead of giving any such
data the Surv. Supt. has
explained that the maps
were printed merely for
convenience. These maps
do not seem to have been
before Govt. in 1884 & could not
have been accepted by the Divisn.
This is perhaps the best place
to give a summary of the
difficulties in understanding
the action of the Survey Dept.
which is relied upon by the pet.

It seems in the first place questionable* whether the Inam Dept. had any power to transfer its work of adjudicating on the validity of Inams to the Survey Dept. But when the work was transferred N. the Survey Dept. was obviously bound by the previous work of the Inam Dept. It is evident from the Inam Register of enquiry that the Inam Dept. deputed the Surv Dept. to demarcate the boundaries of Attigundi to ascertain whether the Coffee lands in the pet'h enjoyment were comprised within these boundaries

Instead of doing this which was clearly laid down, the Surv Dept. seems to have taken some lands from Melukulavalli & called it Dattatreyapal Part-II

* There is no authority for the transfer - so far as the records go

Some lands from Mulsavi &
the whole of Attapur which
were constituted into Dattatrepal
Part-I (vide Dy Comr's letter
of 20/4/88 to the Supt.)
Between these two parts
intervene that portion of
Kolsavi in which the
Mutt lands have been
included. It is therefore
obvious that these two
parts cannot form a
continuous village. In fact
in his letter of 2/5/88 to the
Dy Comr, the Sen Supt calls
the claim of the Durga
that its Inam lands consisted
of a whole village as "absurd"
The claim may perhaps be
absurd but was certainly not
so treated by the Inam Dept
It appears that in 1880 on the

representation of the petr,
all the lands claimed by
them were formed by the
Sur Dept into one Village
(Duplicate Plans I & II : Sketch
sent on 15/4/80 to the petrs)

It is not clear* what the
Sur Dept had to do with
the claims of Inamdars,
their work being merely to
demarcate boundaries of Villages
according to certain rules.
In thus forming the petrs'
lands into one Village, a Village
was formed which was not
a continuous Village & which
did not correspond to the
State of things before the
Survey) & the various amounts
taken in 1874-76 were
also neglected.
As already stated in para 6 of
this note, the points mentioned therein

* When the Inam Dept asked for certain information regarding the Mutt claims, the Survey Dept refused to give it as unnecessary. When the Sur. Dept interfered in the petrs' case, the claim of the petrs had not yet been decided

have to be elucidated

(3) This ground seems unanswerable. The Ds Comr instead of making a reference to Sol. thinks that the authority of the Survey Dept was sufficient to give him jurisdiction

(4) The reasonableness of this ground of appeal was felt by the Ds Comr himself who made a reference to the Sur Dept. The Sur Dept thought that the discrepancy was of no practical importance &c (vide para 16 of this rule) But the fact appears to be that the Sol Proc of 1884 devised this information - which has become irrevocable - from the Sur Dept's letter of 1884

There is however the 2nd
Reqst of enquiry in the case
of the Math Inam wh shows
that the Math lands were
located in Mehnahulavatte
& that they included portions
of Mallal grama

(5) As regards Britto's claim,
there is, to some extent,
scope for the exercise of the
revl jurisdiction before the
case can be adjudicated
upon by the civil courts
In any suit between the
petr & Britto, the Govt
decision regarding the extent
of the petrs Inam will be
the sole evidence as to how
far the Govt have relinquished
its land revenue to the
petr The question therefore
is whether the Govt have
alienated the land revenue

S Nos 292-295

to the pet^r. Whether these
lands are comprised within
the boundaries specified
in the said Court decree does
not appear to fall within the
jurisdiction of the rev^e
authorities
At the outset the Sett^l confirmed
such lands as were in the
undisputed enjoyment of
the pet^r when as in this
case a party denies, that
he was ever a bonafide
holder under the pet^r, it
is a question for the Collector
of Sett^l whether the pet^r
should be compelled to
become a tenant of the
pet^r
(6) The documents not called

for by the Ld Comr have now
been called for & received

These support the claims of
the Mutt (the boundaries have
been identified on the maps)

(7) The boundaries mentioned in
Col Parker's order have not
been identified beyond all
doubt; & further the order
specifies only 2 boundaries

(27) The Survey Supt's proposals
in his letter of 16/10/90
involve a further reduction
of the pet'rs farm by 1353a-38g
out of which S no 173 (a 8-15)
is the only occupied no. The
reduction of the Mutt farm
has apparently been acquiesced
in by the Mutt

Order solicited as to whether the case
maybe reheard

P.S Translation of important
Documents awaited

24/9/95

Inspector. The delay in the disposal of this
matter is due to information
called for
of giving continued attention to this
case.

Note

There is some confusion as regards the correspondence of Maps of the Same Area before & after the Survey & as now proposed by the Survey Supt. in his letter of 16/10/90

Taking Mehchulawatte for example, the Lands included therein are not the Same as those included in it before the Survey or as now proposed

In discussing this point Some notation seems necessary to ensure clearness

The following seems

Correct (Mehchulawatte) & may represent

the Village before survey, (Mehrnahulavalli)a

the Village after survey a (Mehrnahulavalli)b

the Village as proposed to be now constituted under this notation

(Athgunur)a a(Athgunur)b have no existence. Hence there was (Athgunur)b

× (Dattatrpalli)b has no existence

Mahal – a new Village altogether consists of a portion of (Kolgaon Part-II)a + (Dattatrpal Part-II)a

(Mehrnahulavalli)b will consist of a portion of (Dattatrpal Part-II)a

14/9/95

Report for sanctioning

8/8/96

5/8/96

Recd 7.9.96

Sup^d to 1st Comm^th

Merritt & Jones Ltd a
Rly- ~~Co~~ decision, which
is based on the Do part the
2nd comm^th.

The great difficulty in
the case is about the
extents involved: & put in
a table elucidating this

The entire area of Dos
Parts I & II is - 6952-22

Deduct the area reserved to Govt - 2700-4

Balance 4252-18

Deduct the area granted to the Mun^l × 733-16

Balance 3519-2

Deduct the area in the enjoyment of Mr Britton 287-19

Balance granted to Dunga 3231-23

18/9/11

639

24/9/09

1) Issue Print.
2) The ~~Co~~ Dunga's claim against the Municipal Council of Bulawayo be postponed sine die

24/9/09

× The area of Municipal Reserve granted is 1836-32 which includes lands in Kelgrove (1103-16) (about which there is no dispute) as well as the area of 733-16

Jeremiah Ellis Esquire
Examined before Mathew Ellis
Babington Ellis of the Parish
Zeal Monachorum 4th May 1876.

I live at Ellis Cottage
Parish of Zeal Monachorum
I am a Yeoman Occupier
Remember Mr Ellis
to Mr Ellis, Mr Manning
Manning - I keep Cattle
Cannot remember, I think
Mr Manning was Chairman
Parish Meeting

Examined

Mr Ellis Mr Ellis
- sent us Resolution
Meeting at the Village
Parish and Mr Ellis
Zeal Monachorum
Zeal, (Examined) Continued
Mr Ellis Mr Ellis

Declaration of Mr. [illegible]
-Khan Bahadur Sorabji Cowasji Pe-
-reira of Mandvi Cutch. Dated
6-4-1878.

On Saturday the [illegible]
day of March, 1878. Before
me Arthur Francis Bridges Bar-
-rister-at-Law Commissioner
appointed by Her Majesty the Queen
to administer Oaths and take
Affidavits &c. &c. &c. in
Bombay Personally came and
appeared Mr. [illegible] Khan Bahadur
Sorabji Cowasji Pereira of Mandvi
Cutch in the Island of Bombay
Merchant who is known to me
and who made Oath on the Holy
Evangelists and Declared as follows -

I am the Plaintiff in this
Suit. I am a Parsee by Religion
and a Native of Cutch. I
have resided in Bombay for
the last Twenty years and
upwards. I am a Merchant
and Commission Agent and
have been carrying on business
as such in Bombay for the
last Twenty years and upwards.
I am well acquainted with
the Defendant Mr. [illegible] Khan
Bahadur Cowasji Dinshaw
Readymoney. I have known
him for the last Twenty
years and upwards. I have
had frequent dealings with
him during the last Twenty
years and upwards. I have
had dealings with him
during the last Twenty years
and upwards. I have had
dealings with him during
the last Twenty years and
upwards. I have had dealings
with him during the last
Twenty years and upwards.

Translation of Regulations of 5-1-35
Enacted by the Chiefs, Headmen
& Councils and Natives of the
Lupata, Makanga District.

1. The Native Courts and Native
Authorities in the Districts of Tete
Luenya & Zumbo shall be called
Provincial Courts. The Native
Courts in the Districts of Tete
Luenya & Zumbo shall be called
Regional Courts. Each Native
Court in Tete shall consist of
the following members -

The Native Assessor, in
charge of the Department of Native
Administration & Native Courts
& Native Treasuries, Tete District
the Native Assessor in charge
of the Zumbo District, the Native
Assessor, Luenya District, the Native
Assessor, Mutarara District, the Native
Assessor, Chemba District, the Native
Assessor, Sena District, the Native
Assessor, Vila Gouveia District.

Note. The Regulations of 5-1-35
for the Province of Zambesia are to the
same effect.

MK
6/7/38

Translation of the Register of Lands
Exempted by the Villages of Kalapaki, Nawiliwili
Kapaia, Kalihelihehi &c.

Ist. The Village and the Village of Kalapaki
of the said Register are contained in
Kapaia and Kalapaki Bay is bounded
Boundary and fixed the general Boundary
mark.

(Boundary from the corner Boundary
Stake of the North East of 8 Rods 9 inches
E. 2 marks 2 inches on the North West
side of the Kalihehi Stream, the Bound
Tola - Boundary Marks and general Mark
Boundary are fixed below
Kawaihau - Boundary Marks general Mark
Mark on the side of the Mountain a Stone
about 2 feet high the Mark on the Mountain
(Kapaia Boundary Mark) - Boundary Stone
a Boundary Mark at the Base Mountain Ka-
-ainapiwai a Mark about 2 feet high
and South Westerly and Kapaia - Boundary
Mark - Boundary Mark and general Mark
Mark the Boundary of the Land of Kapaia
the corner of the Village of Kalapaki Bay. Boundary
Boundary and general Mark a Boundary
about 2 feet high of Kapaia Stream - Ka-
-ainapiwai Stream and the Land of Kapaia
of the Land of Kapaia and Kalapaki Village
and the Sea Shore of Kalapaki Village

[illegible] a mark is made in the middle. Proceeding thence a mark is made at the corner of the Kapadia and the [illegible]. Proceeding from that mark a mark is made near the Radhika near Dada [illegible]. Proceeding from that mark a mark is made near the Road leading to Jivanwadi. Proceeding southward from that mark the boundary line is laid down so as to include Jivanwadi" Proceeding eastward thence a mark is made at [illegible] Proceeding from that mark, a mark is made in Bhanji Vasi [illegible] the line proceeding includes so far as the Imfa is near [illegible] finishes the limits of the village and the village of Mattha [illegible] Zabak. The finding of boundaries [illegible] with reference to the said map is correct. We went personally and saw marks fixed. The magistrate we have spoken to [illegible] agreement and of no other record.

The magistrate of the village of Khijada is also [illegible] effect.

HK
6/7/98

Translation of the Regulations
of T-U-W-Th Seventh district village
of Malcolm -

Corporate village and Kensington
Kensington village are included the
boundaries of the village and for
the village of Malcolm and
Corporate limits of Malcolm, and
fixed -

Reading taken from the
Corporate limits of Kensington
and Malcolm for the Regulations
of the village, Malcolm
and Kensington adjacent of
Cultivation of Kensington and
Malcolm Kensington Kensington
and of Kensington Malcolm to
the Kensington of the Malcolm
Kensington Malcolm Kensington
the Kensington and Malcolm
Kensington Malcolm the above -

The Regulations of the village of
Kensington and Malcolm the above

Effect.
MK 4/2/97

Translation.

1. Rajcarama executed by the inhabitants of Gonakalla, Bendiga vilagam, Chikkanaik Taluk on 20-3-1874.

As our village and the Inam Bicagni Hirekan Mutt are contiguous the measurer of our village sent for us to show him the boundaries we came accordingly and showed him the boundaries as detailed below:-

We have no objection to the measurement being made taking the boundary line to proceed from the tri-junction of Togarichanka-lu, Hirekan Mutt and Gonakalla and to pass southward by the Hira-tangigara Kalla and the top of Pillandakallu and along the watercourse as far as the mark of tri-junction on the Chikkanaik Kai, where the village, Matti-inapura and Hirekan Mutt meet.

---

2. The Rajeenama executed by the inhabitants of Inam Birsagni Nirekan Mutt, Hipla Nagani, Lakkavalli Taluk on 20-3-1874 is the same as the preceding.

---

3. Rajeenama executed by the inhabitants of Togarikankalu, Bendaga Nagani, Chickamagalur Taluk on 5-3-1874.

As our village and the Inam Nirekan Mutt of the Hipla Nagani, Lakkavalli Taluk, are contiguous, we were directed to show the boundaries. Accordingly we came and showed the boundaries as detailed below to the [illegible] of our village:-

Leaving on that side the stream running eastward from the (watershed of) Bettadinaga, a mark is made keeping on this side the stream flowing westward from the same source). We do not at all object to this demarcation.

---

4. The Rajeenama executed by Puttaswami of the Inam Birsagni Nirekan Mutt on 5-3-1874 is the same as the above.

ER

Note. The Rajeenama [illegible] name. If the word [illegible] is done in this Rajeenama [illegible] is meant "on the [illegible] is meant [illegible] saying that it is between the Rajeenama executed by Puttaswami of the Inam [illegible] This is a copy of the [illegible] Rajeenama. [illegible] Mutt the [illegible] Inam [illegible] as Rajeenama [illegible]

Translation.

Exhibit A.

Document executed on 13-4-1874 by (1) Mimmi Adam Sab residing in Devarayapet and (2) Channapatna Isub Khan Sab residing in Attigundi, in favour of Puttaswami, Son of Siddappanavaru of Doddaguni Pallatagi Bisagni Mutt.

You stated in writing that (the Estate of) Kalasamudra Kaue Area Kan, adjoining Siddeswaraana Halla, was included in the Inam attached to the said Mutt. The boundaries of the said Kan are:—

1. Hullu Yenne — on the east,
2. Doddiah and Seshayah's garden and Halla — on the west,
3. Halla — on the south,
and 4. Dasiddah's garden and Honnagana Sarva's garden — on the north.

You have given us the said Kan for cultivation. We cultivate and improve it accordingly and also promise to give at the rate of 4 maund per mani (of the produce) for the Deeparadhane Service to the Swami. As the right to the same (Kan) rests in you we do not

× This part is not clear in the original.

(1). Kurangendi Kotta containing about 1000 coffee plants.
E— Hulla yenu.
W— Hulla yenu.
S'— Road leading to the Beeti.
N— Hulla yenu.
(8) A limited piece of three Ankenam (Ground No 14) on land measuring 20 yards east to west and 20 yards north to south, in the village of Beddanakadi of Uttari Magane, Chickmagalur Taluk.
East— A hedge at the foot of a tamarind tree.
West— Bettanakadi Maidanda Hittal and Hitti tree.
North— Siddegowda's dwelling house.
South— Ramgenakadi Maidanda, house and hedge.

× × × × ×

To the coffee garden high mentioned above are Inam lands belonging to the Beeram Unit, no Patta was granted by Govt: after measurement &c. Consequently neither the numbers, nor the extent of them could be stated.

K

South — channel.
North — the road leading from Nanjundi to Mahal.
Within these limits there is a coffee garden containing 20,000 plants.

(2) Mariadigari Thota — containing 5000 plants.
Boundaries: —
East — Mariadigari Kathirikai garden.
West — Halla.
South — Kan Vare.
North — Ijari Hitla Lakkiri garden.

(3) Vagadi Hitla Thota containing 4000 plants.
East — channel.
West — Road leading to Nanjundi.
South — Halla Vare.
North — Channel.

(4) Hitla Tota attached to the dwelling house of the executant containing about 50,000 coffee plants.
East — Ainkere Mule Iyenn.
West — Beeran Nanjappa's garden.
South — Halla.
North — Mariadigari Lakkappa's garden.

(5) Garigemaradda Hitla Thota, containing about 3000 plants.
East — Garige and Pulali trees.
West — Jenneri Vare.
South — Nanjappa's garden.
North — Bandi Lakkappa's garden.

(6) Halla Hitla Thota, containing about 2000 coffee plants.
E — Channamaraiah's garden.
W — Iyer Ennas Lakkappa's garden.
S — Halla.
N — the said Channamaraiah's garden.

not either sell or mortgage
it to any others. We promise
to conduct ourselves as the
disciples and servants of
your mutt do.

P.S. The land in question
is capable of containing
about 20 or 30 thousand
plants.

Exhibit B.

Mortgage deed dated 20-5-87
executed by (1) Veerappa, son of
Lamna Gangappa residing
in Ainkere village of Bisagni
Hunt, Jagar Magani, Lakka-
-valli Taluk and (2) his
wife Veeramma in favour
of Adam Saheb and Co.
of Devarayapet, Kasaba,
Chickamagalur Taluk.

× × × × × × ×
× × × × × × × ×

Details of property.

Details of the immovable
property situated in the Ainkere
Mule and forming part
of the Inam lands belonging
to the Bisagni Hunt, of
Jagar Magani, Lakkavalli
Taluk, Kadur district.

(1). Matadamane Thota.

Boundaries:—
East — Hullu Kere.
West — Road leading to Attigundi.

Exhibit C.

Mortgage deed dated 5th June 1866 executed by (1) Seetappa and (2) Channaseetappa and (3) Siddappa of Bisagani Hatti of Hirekal and Nagare Kan, Jagira Nagani, Lakkavalli Taluk in favour of (1) Annamaiah Chikkanna Setty for Jaie Mallappa Setty residing in Mamool late Bangalore and (2) Narasimmappa Setty, son of Gundappa Setty of Devarayapatna Chikkanagalur Taluk.

× × × × × ×
× × × × × × ×

Details of property.

(1) Syavantige Thota.

Boundaries corner of
East — Gangamma Siddiah's Kattehole garden.
West — Road.
South — Areca tree (1).
North — Neerala tree.

(2) Gundi Hittalu.

E — Road.
W — Veerabhaiah's Hittalu.
S — Road.
N — Dia tree and Devaramma's garden.

(3) Gavi Thota.

E — Subbiah's garden.
W — Nanjaiah's Thota.
S — Siddaiah Siddala Jaina.
N — Siddaramma's Halla.

(4) Doddacheruvu Hittalu.

E — Kere Kallu.
W — Ditto formed by making of water.
S — Halla.
N — Kappa Siddu's Nallamanchi garden.

(5)

S — Somanna and Eeramma's garden.
N — Hogarehalla and middle Gowda's garden.
Dodderi Hittalu is also included within the above limits.

(11) Hasachole Kan.
E — Road leading to Galikere.
W — Puttaciddaé Hittal.
N — Arunana Gavi Kere.
S — Road.

(12) Galikere Thota
E — Road.
W — Govina Hittalu.
S — Halla.
N — Thotadiné garden

(13) Adige Mane Hittalu.
E — Road leading to Nittigundi.
W — Sanna Honnegaé Hittalu
S — Land washed by water (Thotiga)
N — Lime tree near the kitchen.

(14) Rudragana Hittalu & Dodda Hittalu.
E — Puje Channaveriaé garden.
W — Bandi Siddiaé Hittal
S — Ramanahalli Hegatthaé garden
N — Halla.

(15) Kalyani Thotta.
E — Siddappaé Hittalu.
W — Eerappaé threshing floor.
S — ~~X~~ Car Street
N — Gundi Thota.

x x x x x

The 14 Coffee gardens named above are in the village of Bisagini Matt & Jagar Magani.

x x x x x x x x x

C.J.R

(5) Bivottina Hittalu.

E — Nanny Hiriyā's coffee plants.

W — Road.

S — Halla.

N — Prabhiah's garden.

(6) Jenasiri Thota.

E — Sannagangiah and Veerappā's garden.

W — Ejuru Basappā's Jenasiri Basari tree.

S — Halla.

N — Jenasiri Kalla Vare.

× × ×

(7) Bale Hittalu and Hiriyankere Hittalu.

E — Adige mane Channamma's Hittal.

W — Linganumana Siddiah's Hittal.

S — Halla.

N — Vare Gaun.

× × × ×

(8) Doddalu Hittalu.

E — Hedge of the garden given to Jatti.

W — Siddappa's Mantain Hittal, Hedge.

N — Vare.

S — Halla through which water flows.

× × × × ×

(9) Doddiah's Thota.

E — Channaveerappa's threshing floor.

W — Parvathiah's garden and a pair of Sampige trees.

S — Adigemane Thota.

N — Road leading to the Mutt and Car Street.

(10) Gundi Thota

E — Siddappa's garden.

W — Prabhiah's garden.

S — Eeraffa's threshing floor

N — Halla.

This includes (1) Channamallana Thota (2) Haralu Hittalu and (3) Mane Hittalu having the following boundaries.

E — Ganganna's Siddiah's garden.

W — Tailor Rudrah's Hittal.

Exhibit D.

Document dated 1-2-1895 executed by Chidambaram, son of Dasanna of Bellandur, Chikkanagamma Amma, in favour of Chikkanarasamma, wife of Pattabhirami of Biregowdanahalli.

× × × × × × ×

× × × × × × × ×

Details of Property (included in the Biregowdanahalli Inam).

(1) Attimarada Gundi Thota adjoining Attimaradakatta near the said Katte and Square of containing 300 plants - Boundaries.

East — Attimarakatte, a field of Atti trees, and Bahale tree, Kallu Katte, situated in the centre.

West — Pattabhiramaiah Siddaiah's garden, hedge, Chikkanarasamma's threshing floor.

North — Biligal Adivarada Halla Agrahara.

South — A cart road by water flowing from Hiralagunte.

(2) Kirachinabagal Thota, containing about 200 plants.

East — Road from Adavangadi.

West — East from the Katte to Hiralagunte, and Kattige old garden in which a new house is being built.

North

North – Road from Kurchi
– bagal to the Mutt
and channel.
South – dry land washed by
Running water.
(3) Mane Kittala Kanada Thota
adjoining Sarantige Patte of
Chikkalli Bitta, containing
300 plants, & including (1) Nilgiri
Kana and (2) Kelagana Kana
together with the beds therein.
East – Goldsmith Somanna's
threshing floor, hedge
and moat.
West – Sarai road leading
to Mahal.
North – Sarantige Patte garden,
Kirkal, Neral, Hirugutti
and Kanara Kande
trees and Gangiah's
Siddamma's garden,
also Kadiba tree.
South – cut made by
Running water.
(4) Sanna Gonina Nandi
– maradu Thota situated
in the Mahal village
and belonging to Melina
Hulavatti of the said
Magani and containing
1500 Coffee plants.
East – Hedge of Narayanigra
and Ganigah garden.
West – Hullu Genu.

R – 11

South — Hall Farm.

North — Hedge of Norwegian and Gerrigal's garden.

× × × × × × ×

C&R.

Exhibit 1B.

This is an extract from the Index Book of the Sub-Lakadi Sub Registrar's Office, relating to the Patta executed on 15th July 1874 by Syed Ghaus Sha Khadri in favour of Syed Tahir Sab.

It shows that the following 3 gardens situated within the Inam Savade Kan of the Attigundi village were given to Syed Tahir Sab to be cultivated and enjoyed hereditarily on condition of giving 7 Seers per maund of the produce.—

(1) Survey Kan No. 1, capable of containing about 10,000 plants and having the

following boundaries—

E. Running stream.

W. Kattehole of the Halla supplying water to the Mill and the ditch (ඇරඹුම් ස්ථානය දිගේ ඇළ ගලා යන දිශාව)

S. Kiriwelatta (?) (කිරිවැලත්ත)

N. The stream (Halla) connected with the said Kattehole.

—

(2) Chandrika Gala capable of containing about 1000 plants and having the following boundaries—

E. The drain made by the running water (Vana and Koratta), situated by the side of the garden of Ibrahim Sab, a tenant of the Dargah.

W. Stream (Main Halla)

N. Rocks, Water course (Nullah), and waste land.

S. Cocoanuts and Bhopala trees.

—

(3) Patikire Taggina Tola, Copalle of containing about 10,000 plants and having the following boundaries:—

E. The bay leading from the Dargah-Patikire, and ~~Village of~~ the Mullegem.

S. The garden of the Dargah Land-Serang Saulandat, and dry Rozakala.

W. Water course, and Mullegem.

N. The big stone (Para Kallu) forming the boundary of the Bisagni Arasi Gutta, and the ditch by the side and the edge of the road

Coffee grader obtained for
cultivation from the seed
sent by Guaranteefinabetti
of Divarzafield.

———.h———

L.V.

Translation.

Exhibit 1A.

Kabuz executed on the 12th June 1877 by Adam Sah son of Rani Khudan Sah, in favour of Srijuta Dattatreya Barbandan Hazari.

In the Lower Zak (Kekrikhan Situla) of Surumekan, adjoining Chiyakhan, situated in the Dargai Duar village of Ayundi, (Lower Zak) Jagan Mayani, which Yusuf Khan Sah of Chunnapatra obtained ~~for~~ in 1870 for Coffee cultivation, on condition of paying one-eighth of the produce (Panchemantaje kisse), I have obtained possession of land ~~containing~~ ~~of~~ containing 16½ thousand plants, 11 thousand ~~kai~~

*Note— Mayalu mean that the land is capable of containing so many plants.

being what fell to my share
under the private agreement
entered into between Coorg Khan
and myself to the effect.....
.....,
and the rest having been
purchased from him for Rs. 30.
The boundaries of the said land
containing 1½ thousand plants
are as given below:—

E. The argul made by the
running water (Vana Korakalu)
and the bhand beside
it.

W. 'Kattihole Doddahalla'

N. Two jack trees close to
each other (Joda Hilasina mara)
the stone situated beside
beside these, the Nerlu tree
to the east of this, the bhand
near this, and the 'Redu
Togari' tree to the east of
this.

S. The stream called Kunnig
from east to west between
the garden given (by Isouf
Khan) to his wife for Gaha
Mahr and that sold
to me.

As I have obtained possession
of the land situated within
the above boundaries and
containing 16,500 planks, and
have got a document
executed by Isouf Khan
on this date, I will hereafter
improve the said garden
and will pay every year
5-½ seers in the per maund
of the coffee produced therein

—4—

IN

(A)

Capt Porter's order to the amildar of Lakkavalli dt 27/5/60

In this the boundaries of Bubabudan Giri are laid down & extend from Bhadrapadapuri to Galiyanda. No other boundaries are given

(B)

Lakkavalli Nanjappa Valiveedu of the Math to the Supdt. dt 14/6/60

Boundaries of the Math Domain are

East — Road leading to Galikere & Budiyere, Ballalarayana Kote

West — Sandekudaballi & Ramegowda Bayalekan Kale Tota

South — Sanyasiswarakan Halla

North — Addakan to the Nandi tree Halla

Extract from the Register
of petns

Substance of Petn from Pattiswami Vaheevatty
of Hirekan Mutt dd 5/3/76

"That Inams have been
granted by the Maharajah of
Mysore to the two mutts
of Hosdrug & Hirekan,
That these are separate,
& that the Villages belonging
to each should be demarcated
Separately"

Substance of order

"Though the Hirekan
Mutt is known, yet
it is not a separate
Village but a Dakala
of Kolagani & will therefore
be included in that
Village"

Translation.

Petition (No $\frac{10}{22}$ in Serial No 9)
dated 5th March 1876 addressed
to Major Conolly Pattavarni
Vaivadan of Chinnavirasvami
the Swami of the Kirakan Patt,
Lakkavalli Taluk.

The Hogarakan Patt in the
Kadur Taluk and Kirakan
Patt in the Lakkavalli Taluk
have got Inam lands granted
by the Kings (Pallyas) of Nagar and the
Maharajas of Mysore. Re-
presentation having been made
to abolish these Inams to the
Inam Commr, and the original
Sanads having been produced
before him, he ordered that
the matter should come up
through the Amildar who should
report as to the ~~validity~~ reality
conditions of the Inam. Accordingly
the

the Amildar of the said Taluk recorded my depositions, got true copies of the original documents that were with me, produced before him, and after having examined Sarkar records as to the reality of the Inam, has submitted his report in the month of January of the current year (1876) In accordance with the order dated 9th Sept of Nagar on to the effect that the Inamdars should appear before him and produce the evidence to prove their Right, my elder uncle, Viraffaya and Channaviraya appeared before him on 3rd November

explained the boundaries
of their shares) and produced
the Sanads. With regard to*
the grant of Pattas for the
Coffee gardens in Bisagni
Matt, the Coffee Assistant
(Comm[r]). Varanasse issued
order No 244 dated 17th January
1870 to the effect that as the
land was part of Inam and
that the rules did not permit
grant of separate Pattas for
such lands. Though the records
have established enjoyment
of this Inam land has been
established, Sidde Gauda of
Sante Hulavatti wants the land
to be measured into his village
on the ground that it belongs to
it, and, I hear, he is getting
it so measured. I requested the

*Note.— This portion in the original is not clear.

the Revenue Establishment not-
to meddle the land according
to Sidde Gunda's request, but-
he did not comply with his
request, and he said that-
what he was doing was right.

As this is a separate Inam
village, it must be measured
and demarcated separately,
but should not be measured
into another village. In the
Dathla village &c, situated
within the boundaries of the
Inam belonging to our Matt,
I have been discharging-
the Revenue and Police Patels
duties &c. The ~~Police~~ boundaries
of our Inam are given
below:—

E. Gulihere Siddiengala

W. Inside Jeenuru Halla-
yenu.

S. — Sante Bittara Gram -
Bängiräi

N. — Nandimanda Gramam
Chavadi, from Pilli -
tangara Kallu.

This word is not quite legible in the original. It may also be read as Bäriräi or Bingiräi.

The land situated within these boundaries belongs to the Inamdar. The original Sannads are in Sanskrit. Copies are with me and will be produced if required. If the original are required, they may be sent for from the Inam Commissioner's office and perused. Besides it appears that the person that wants the land to be measured into Sante Hulavatti has not obtained a decree that has been passed the Patell regularly. I pray that the matter may be enquired into and decided. In Sante Hulavatti there is a Coffee garden called Pushpagiri Tota, which belongs to the Inam. I pray that it may be ordered to be measured and demarcated.

Endorsement dated 24th March 1876 issued in reply to the above petition

---

What is called Hiekan Matha is indeed Inam, yet it is not a separate village. As it is a Patilki village belonging to Kolapur, rules have been issued to the Inamdar of Kolapur to annex it into that village.

SV.

Memo.

Appt.
Ghoroshia Khadi
Kiran Bakaudar

Late B. A. Smith
Now deceased
1. George Smith
2. F. Smith
3. W. Smith
Dr. Sydney Smith

The Appellant claims Survey Nos 2,92 + 2,93 of Bakaudar Taluka Ankolamajalur Taluka and forming part of Dattatri-pit Durga Iman lands.

vide a rough sketch attached -

(Here enter Govt. Proc. No. 710-11 dated 28th April 1884).

The above Govt order A. H laid down among other things that the inferior holders under the Mutt and Durga should have the benefits of a permanent settlement under

There is no dispute about No 296. The other 4 Nos 292, 293, 294 and 295 are in dispute. All these are Mr. B. A. Britto who purchased them from Antony Britto They are in Mr. B. A. Britto possession. No 293 alone was planted 3 years ago. It is clear that the portion below belongs to him. Mr. Britto was not present at the time of the measurement to have his name recorded. A copy of the sale deed will be produced on the 5th of this month.

2/. Statement of Ghouse Sha Khadri Khan Bahadur.

The lands were held originally by Mollaria alli Sha Khadri who transferred his right to Murshid Piran. Antony Britto obtained them from Murshid Piran through a Civil Court decree.

We do not object

Settlement, the Deputy Commissioner was called upon to decide several disputes of which the claims of Mr. Britto was one.

Mr. Britto claimed S. Nos 292 to 296 under a decree in suit No. 1 of 1879 on the file of the District Judge, Nagar Division and declared that the lands belonged to Government. On the other hand the Durga contended that S. Nos. 292 to 296 belonged to the Nattaripit Inam.

The claim was enquired into and the marginally noted persons were examined and their depositions as noted below were taken :-

1. Bavanballi Surya Narayanappa on behalf of Mr B. A. Britto -

There are 5 survey Nos in Mercara Jamdi forming part of the Inamdar Nalku

1. Bavanballi Surya Narayanappa on behalf of Mr B. A. Britto - Paper No. XVII in Dft file.
2. Nikam Balaram Shenoi Sha Khadi
3. Puttuswami of Nidagani Matt.
4. Mr B. A. Britto.
5. Dhoni Kumara Ajjanna

Paper

Rules of 2nd August 1884
(now embodied in an
Appendix of the L.R.
Rules). In attempting
to introduce the settle
-ment the Deputy Com-
-missioner found that
the inferior holders
generally asked for a
resurvey owing to the
numerous changes that
had taken place since
the last paki-pakai.
He therefore requested
the Survey Superinten-
-dent to have the lands
of the Durga and the
Smith resurveyed under
Government Order No
19 dated 28/10/84 before
introducing the settle-
-ment. This resurvey
occupied over two years
and in the early months
of 1887 the Deputy Com-
-missioner began to
introduce the settle-
-ment.

In introducing the

to his right according
to the decree. The Southern
boundary is mention-
-ed as "pattiway lead
-ing to Saute Hiliyatti"
The pattiway goes at the
end of No 295. No 296
is below the pattiway.
Nos 292, 293 ~~and~~ 294 and
295 are above the patti
-way which is between
No. 295 and 296. The
four lots are cultivat
-ed by Muttia, Linga,
Doda Channa nephew
and 3 other Kolagaru.
The lots should therefore
be entered in the names
of the cultivators. There
is a pattiway above No
293. The pattiway leads
to the Khanas of Munnar
Sab and of Dodrangana
Timmi. The pattiway was
newly made 10 years
ago. It is on the bound-
-ary between Kolagaru
and Pattatripia. If
this pattiway be decided
upon, many lands
below in the enjoyment

not ~~to~~ be included in Jaam.

5) Statement of Doni Khanna Ajjanna.

The gardens from "Sanna Ewu" to Adda Jaam are called Menoingundi which in Mr Britto's enjoyment. No. 293 is in Menoingundi, beyond it to the South lies Kalgane. The pathway is on the boundary between Menoingundi and Kalgane, this pathway goes to Saute Kalcatti. It is Mr Britto's boundary. One Dadda of Madal had obtained Nikini tenancy from Mudadin alli Sha Khadri - About 4 or 5 acres. I purchased it for Rs 1000. Mr Britto prevented me - I sued him - Decree was in favour of Mr Britto in the Kadur Sub Judge Court. All this took place 7 years ago.

to Inenoingnudi. Mr
Britto planted the
land adjoining the
pathway 3 years ago.
Inenoingnudi should
not belong to Pattatri
-pit but to Biragni Mut

4) Statement of Mr
B. A. Britto.

I produce copy of
decree of the Nagar
division District Court
in O.S. No. 1 of 1879 to-
-gether with a copy of
the judgment. The Southern
boundary is not only
the pathway to the Santa
Antoniatti village but also
the "Sanna Eun Khanda
maré". All the land
is in my possession.
I commenced new
planting from 1891.
The plants below "Sanna
Eun" were planted 5 years
ago. The lands should
therefore be entered in
my name. This is not
Inam but belongs to
Government village of
Antoniatti. The lands shou

of ettuo would have to
be given over to the
Complainant (Mr. D.A.
Britto). Bhangi Chenna
clagured new plants
last year after the
measurement. Chenna
executed a Mortgage
deed to Timma Setty.

No 296 may go to
Mr. Britto. The other
Nos should be entered
in the names of the
cultivators.

Bhangi Chenna
did not plant last year.
Mr Britto's men forcibly
did so.

3) Statement of
Puttuswamayya & Bio-
-agni Mutt

Kolagaru were formerly
shikari cultivators
in Kaniyingundi. To
the South ettuve is "San-
-na Kere" ie Kolagaru
Kaniyingundi boundary
pattuvay. It goes to
Sante Anivatti. This
pattuvay is the boundary

On the evidence

thus obtained the D.C.

Commr. (Col. J. A. Camp-

-bell) decided in his

memo dated 5th December

1888 that the 4 Survey

Nos. referred to were not

part of the Durga Inam

but had been held

independently of the

Durga by one Swidden

alli and after him

by Mr Britto.

The following ex-

-tracts from the memo

of the Deputy Commissioner

dated 5th December 1888

show how he arrived

at this decision:-

"The Dattatripit

Durga claims generally

the whole of the new

Survey Village called

Dattatripit Part II with

the exception of Survey

No. 296 and presumably

the land bec. 29 occupied

by Mr. A. P. Britto's Bunga-

-low and other buildings

which goes by the name

of the Ramanguli Estate.

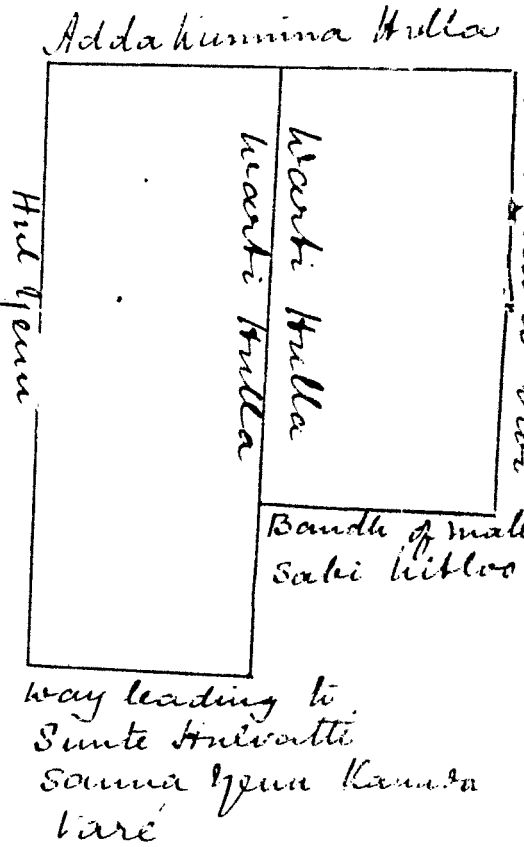
"These lands the

No. 296/10

therein awarded to Mr A. P. Britto have a Northern boundary common to both and that their Eastern and Western boundaries are the same. They therefore must be side by side. But the Southern boundaries differ and therefore one block must extend further to the South than the other. This is illustrated by the sketch in the margin.

"I have visited the locality and gathered information about the local names. On this latter point the statements of interested parties differ so much that corroborative evidence to must be sought for from other sources.

"Both parties claim as the general Southern boundary of both blocks and pathway leading to Sante Arlawatti - a ~~leading~~ village to the West.



Survey Nos 292 to 295.

+ + + + +

"The dispute between the Durga and Mr Britto affects the whole question in a very important manner.

"The Durga admits that a portion of the lands in the new village Map of Pattatirpit-Part II is not Inam viz those acquired by Mr Britto.

"This admission negatives the general claim to Inam right in the new village put forth by the Durga & makes it incumbent on that Institution to prove that the lands in the actual enjoyment of Britto are and were not included in the decree above referred to.

"The boundaries given in the Chart attached to the deed No 1 of 1879 show the two blocks of la

Durga admits were
legally acquired by
Mr. Britto by a decree
of the Civil Courts from
one Muroli of Peeran
in C. S. No. 1 of 1879.

" But the Durga
contends that under
cover of this decree
Mr. Britto has obtain
-ed illegal possession
of Survey Nos 292, 293
294 and 295 which num-
-bers it claims as
Durga Inam lands.

+ + + + +

" Mr. Britto asserts
that Nos 292, to 295 were
legally acquired by him
in pursuance of the
decree in Suit No. 1 of
1879 followed by another
decree in his favour in
Suit No. 134 of 1880.

+ + + +

" The parties are
therefore arranged
as follows:-

The Durga ~~of~~ Britto
having to hold under first

On the evidence

tion obtained the Dy.

Commr. (Col. J. A. Camp-

-bell) decided in his

Memo dated 3rd December

1888 that the 4 Survey

Nos. referred to were not

part of the Durga Kuam

but had been held

independently of the

Durga by one Swidden

alli and after him

by Mr. Britto.

The following ex-

-tracts from the Memo

of the Deputy Commissioner

dated 31st December 1888

show how he arrived

at this decision:-

"The Dattatripit

Durga claims generally

the whole of the new

Survey Village called

Dattatripit Part-II with

the exception of Survey

Nos. 296 and presumably

the land No. 295 occupied

by Mr. A. P. Britto's Bunga-

-low and other buildings

which goes by the name

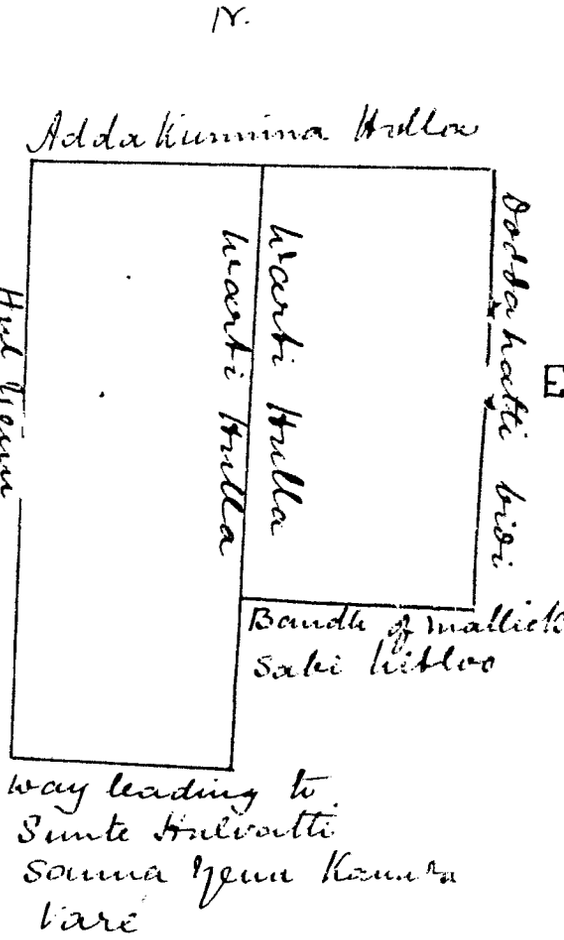
of the Kaveinagundi Estate.

"These lands the

therein awarded to Mr A. R. Britto leave a Northern boundary common to both and that their Eastern and Western boundaries are the same. They therefore must lie side by side. But the Southern boundaries differ and therefore one block must extend further to the South than the other. This is illustrated by the sketch in the margin.

"I have visited the locality and gathered information about the local names. On this latter point the statements of interested parties differ so much that corroborative evidence must be sought for from other source.

"Both parties claim as the general Southern boundary of both blocks and pathway leading to Sante Arlawatti - a ~~leading~~ village to the West.



"Mr. F. A. Britto puts this pathway as far to the South as to include Survey Nos 292 to 295 and also 296.

"The Durga places it to pathway further to the North so as to exclude Nos 292 to 295 and to include 296 only as belonging to Mr Britto.

"There is as I have seen a pathway at both places leading to Sante Kulvatti and the boundary thus described is therefore by itself of no assistance to either party.

"The position of Mallick Sahib Hitlee is said to be in the neighbourhood of the Durga or Northern pathway but the identification is doubtful Admitting however that it is ascertained

Plaintiff alleges that he enjoyed a portion of the Kan in question called Hosa Koley as a Shikmidar Planter".

"In the end the Plaintiff's claim was dismissed with costs".

"This same Plaintiff now states that the land viz Hosakoley for the permanent Shikmi right to which he unsuccessfully sued Mr A.P. Britto is situated in part of the land now in dispute, that S. No 293 is within the Menoingundi Kan and that the pathway claimed by Mr Britto is the proper Southern boundary of that Khan.

"It is stated in a claim for Shikmi rights put forward by one Timma Setti, that the land he cultivates as Shikmidar is in S. No 15 and he describes

his proceedings at least by any open action until the Plaintiff for the present settlement began.

"In Suit No 1 of 1879 A. P. Britto ~~Def~~ produced Piran, the block No 1 is described in the Schedule attached to the decree as "Attikatti Koolos" alias Menoina fundi"

"In Suit No 134 of 1880 Ajjay Fonda alias Nirvannappa ~~Def~~ A. P. Britto the Plaintiff sought to establish a permanent Shikmi right to a portion of the land above described -

"The opening words of the judgment are as follows -

The defendant is the present proprietor of Menoin fundi Kom Situ-ince called Attikatti Kulu under decree No -"

Further on "the

it would fix the Southern boundary of block No 2 only. It may be further remarked that if Mallik Salis hitter was really so close to the Durga pathway as it is now said to be, it does not appear why the pathway was not given as the Southern boundary of block No 2 as well as of block No 1. I am therefore inclined to place very little reliance on the supposed identification of any given boundary except when it is a well marked natural feature such as a "Nulla" or waterway, a "Jeun" or ridge of hill or a "Byle" or open plain.

The points in favor of Mr Britto's claim are that he has exercised rights of ownership over the lands in dispute since the passing of Decree No 1 of 1879 and that the Durga authorities did not contest

in his petition dated 21. 4. 08 the boundary on the East is the Samy-pigi Katte near Mattha Agas Tank on the road from Attigumi to Mahal at the Kattaripitiya II boundaries meet.

"In regard to this land Timma Setti makes the important statement that it originally belonged to Moinddin alli Sha Khadri and then to Imrshid Peran who used to take the one eighth share, but he adds that he is not aware that the land passed into the possession of Dur Britto by a decree of the Civil Courts.

"Timma Setti states that he put in his petition at the desire of the Durga and he must therefore be taken as a friendly witness to that statement

the Amildar on 18th
January 1889.

In consonance
with the above view
the Deputy Commis-
sioner in his No. 1173
of 28th September 1889
to the Survey Superin-
tendent recommended
that the Survey Nos.
292, 293, 294, 295, ~~and~~
296, 297 and 298 may
be included in the
Gosh portion of the
Kolgaon village and
the Survey Superinten-
dent in his No. 225
dated 15th July 1890 to
the Chief Secretary to
the Government of Bombay
Communicated the fol-
lowing:-

"In communica-
tion with the Deputy
Commissioner land
to which, although ori-
ginally measured
into the Kattaripish
village, we now consider

but his admission that the lands which originally belonged by independent right to Muscliid Pirau are to be found in land claimed as Guam by the Durga as the strongest possible evidence against that claim while it is entirely in favor of that put forward by Mr Britto.

"There are other pieces of evidence which, although by no means conclusive each by itself, help towards the identification of the Southern boundary of block No 1 as claimed by Mr Britto.

"For instance part- the description of that ndary is

'Sanna Genn' (or -idge) and Genn is also

the name of a coffee
jungle situated in
Survey No. 172 which
adjoins S. No. 293 on the
South.

"On a Consideration
of the evidence which
has been brought before
with some trouble &
care I am of opinion
that Mr. B. A. Britto
is in legal possession
of the lands claimed
by him, and that
they were derived from
the original owner
Moindin alli Sha
Khadri who held them
on independent patta
as admitted by the
Durga, these lands at
no time formed par
of any Inam atta
to that Institu

This order

Communic

1. Melkudiratti
S. Nos 299 to 301
both inclusive

2. Kalagaree.
S. Nos 292 to 298
both inclusive.

the Durga had no claim has been excluded and added to the neighbouring Government villages as per margin".

1870

On 4th August 1900 Khan Bahadur Shams Sha Khadri petitioned the Govt urging the following points in support of his claim to the lands in question

The Pros No. 710-11 of 4th April 1884 had however authorized the Deputy Commissioner to settle the disputes that may arise between Superior and Inferior holders within a period of 2 or 3 years. After expiry of the time allowed by the Survey rules in respect of lands and after expiry of the time to the Deputy Commissioner to settle the

decide it as Government land. The Deputy Commissioner's order itself gives no grounds for treating these lands as Government."

This petition was forwarded on 26th November 1900 to the Deputy Commissioner for brief report.

In his reply No 511 dated 16th March 1901 the Deputy Commissioner writes -

"As regards the evidence in Mr Britten's case and that offered by the Inuit with respect I found I had to examine what came before me, rejecting what was doubtful & accepting what was probably true.

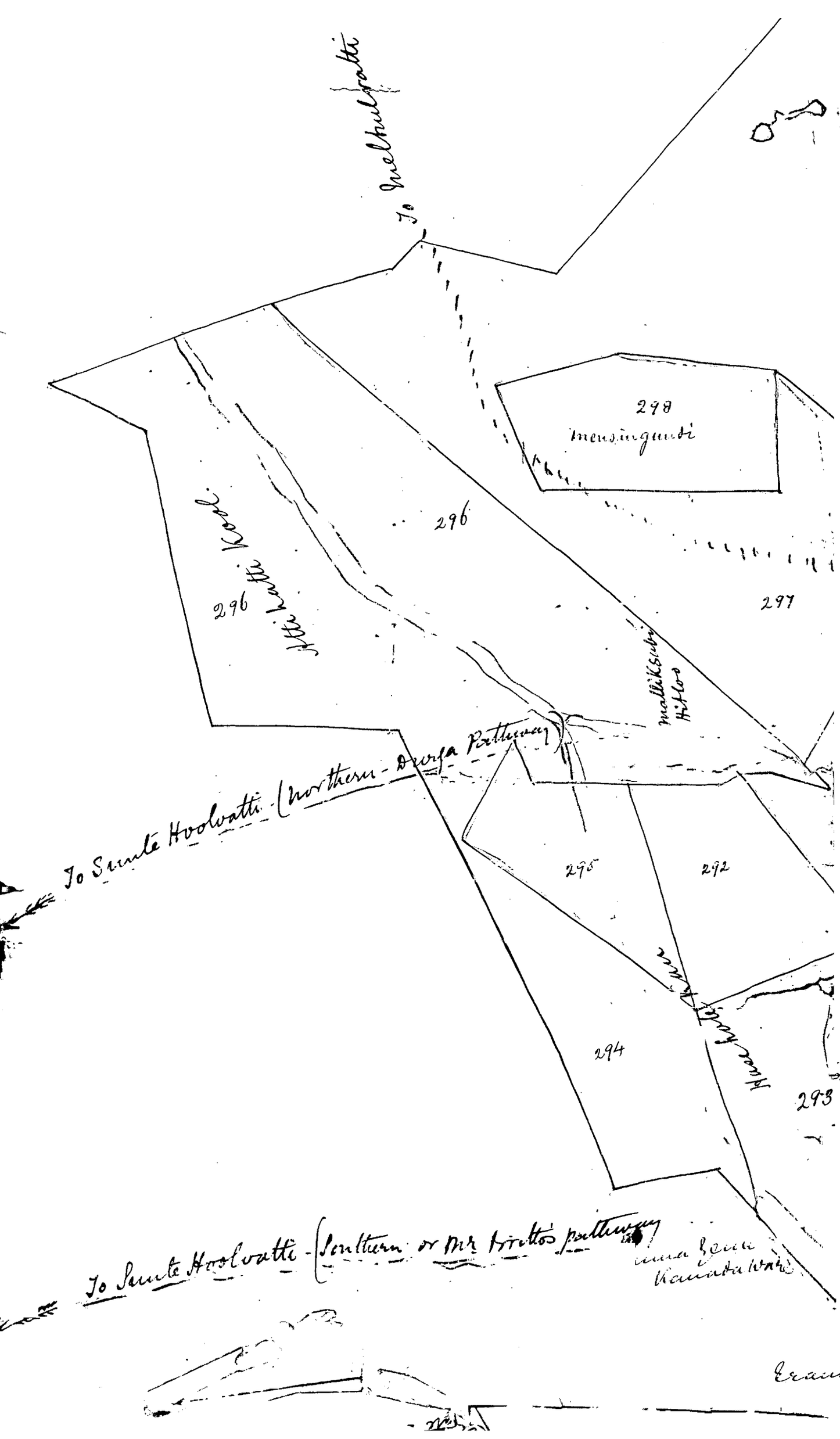
The reasons for this act are duly recorded in my Memorandum"

either to Govt. or to Zamindars. He had no business to say that these are not Jagan lands but Govt. lands and the interference of the Deputy Commissioner in enquiring into such a representation is uncalled for.

The Deputy Commissioner has taken a good deal of trouble in assigning some of the lands to Mr. Britto.

In doing this the Deputy Commissioner has however admitted that original holder of these lands was one of the Marakkanars of the Pattinpeh and because Mr. Britto got them by a Civil Decree obtained against the Mohadin Ali Sha Khadri in Satisfaction of some old debts, Deputy Commissioner Commd. on the

disputes between the
superior and inferior
holders the Deputy
Commissioner entertained the complaints
(Takrars) of Mrs Britto
and Bicajni Mutt -
which it is quite clear
from the Revenue Bd.
that the Inam lands
of Bicajni Mutt are
situated in the village
of Kolgaon the Deputy
Commissioner is not
authorised to enquire
into the requests (Takrars)
of Bicajni Mutt, for as-
-signing lands to it out
of the new village of Datta-
-treepil nor is he authorised
to treat as Govt. lands
the lands which are
in the enjoyment of
Britto in the 2d Inam
attatreepil.
When Mrs Britto
neither for the
of assessment
e lands


To Puthukkuratti
298
Mensinguadi
296
296
Ittikatti Kadi
297
Mattikkuda Hollow
To Saule Hoolwatte (Northern Dewga Pattiwary)
295
292
294
Hawkatte Aar
293
To Saule Hoolwatte (Southern or Mr Bristo's pattiwary)
Eran

Distribut Part II

274 medal Medical

172